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**Legal aspects of protection of Armenian national minorities' rights in
Georgia in international level. Political and socio-economical situation in the
region in modern period**

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INTRODUCTION

In the work mentioned above, international-legal aspects of national minorities rights' (I part) protection in the sphere of rights of minorities in self-governance (II part), (being accepted in tour of the UN, OSCE and EU, the member of which is Georgia, in particularly the Armenian nation in Javakhetia (Javakhk)) are being discussed.

In the III part norms of national legislation in national minorities' right protection sphere in local self-governance, applicable in Javakhk, are discussed.

In the IV part general information about history, demographical and ethnical structure of Javakhk and analysis of socio-economical and public-political situation in the region in modern period is presented.

Georgia is considered to be a member of many inter-governmental and international organizations and has taken the obligation of protection of national minorities' rights, living there. At the same time the amount and the level of realization of the documents mentioned above is not enough for a democratic republic, which is much clearly seen in the sphere of national minorities' rights in self-governance. Though determined pressure of international organizations, different republics and the central government of Javakhk into Georgian government is able to bring the level of self- governance in this Armenian-settled region into normal, of course taking into consideration the allowable sphere stated by international documents.

Difficult socio-economical and political situation of Javakhk is much caused by discriminative policy of central government into this region. That's why solution of individual problems isn't able to improve the whole problem, which has conflicting potential. Complex approach to the solution is required, in combination with legal, socio-economical and political components, which will be aimed to provide maximum right of Armenian nation of Javakhk in self-governance and at the same time protection of rights and freedoms of all Armenians of Georgia as one big national minority of the country.

Chapter I. International Norms of Protection of National Minorities' Rights

It looks more expedient the classification of international acts stating the status of national minorities rights in this way. Stating the status of national minorities' right, taking special emphasize on the guaranties of the reality of status and prevention of discrimination, including the norms giving the minority members exact rights and freedoms, will be joined in one group. In the second group norms in sphere on self-governance, which, from the one hand are considered to be the productions of the first, and from the other hand seem more real, in national minorities rights protection will be joined.

1. Norms within the UN

1.1. Charter of the UN, 1945

Article 1: " The UN has the aims: 2.3 To have cooperation in international level in order to solve international problems... of humanitarian character and to perform protection of human rights without any discrimination of race, sex, language, and religion".

Article 55: "...The UN contributes c) universal respect and observance of human rights and freedoms without any discrimination of race, sex, language, and religion".

1.2. International Pact of Economical, Social and Cultural Rights, 1966

Article 13: The right of education

1.3. International Pact on Civil and Political Rights, 1966

Article 2: The obligation of all member-countries to provide all the rights mentioned in it without any diffraction.

Article 18: The right of free religion.

Article 20: Prohibition of any speeches for national, racial, or religious hate.

Article 24: Non-discrimination of children on language, religious, born factor, and right of protection from the nation and the country.

1.4. Declaration on the Right of Development, 1986 (accepted by General Assembly of the UN)

Article 1: The right of the person to be developed, during which the whole complex of rights and freedoms can be realized.

Article 3: Countries carry on special responsibility on creating normal conditions for realization of rights and freedoms.

Article 5: Countries must use measures on rejecting rude and mass brake of rights and freedoms of the nation and individual.

Article 8: The countries must perform all the measures allowed, in order to provide perfect realization of the right of development and supply tantamount possibilities for everybody in the main resources and education.

1.5. Declaration on the Rights of National, Ethnical, Religious and Language Minorities, 1992 (accepted by General Assembly of the UN)

The whole document.

1.6. Declaration on the Obligations of Certain Individuals, Groups and Members of the Society to Encourage the Protection of Fundamental Rights and Freedoms, 1998 (accepted by General Assembly of the UN)

Article 2: The responsibility and obligation of every country to protect encourage and realize all the fundamental rights and freedoms.

1.7. Declaration on the Rejection of All Religious Discriminations, 1965 (accepted by General Assembly of the UN)

The whole document.

1.8. Declaration on the Main Principles of Mass Media Contributions on Peace and International Cooperation in Development of Human Rights and Struggle Against Racial Discrimination, Apartheid and War Impulsion, 1978 (accepted by UNESCO)

Article 2: Access of the nation to information will be guaranteed by multiplicity of the source and the information itself.

1.9. Convention on the Rejection of All Types of Racial Discrimination, 1965 (accepted and is accessible for signing by the General Assembly of the UN)

Article 1: “In the document mentioned “racial discrimination” is considered to be the discrimination, rejection or the preference given on the character of ...national or ethnical origin, having the aim or the consequence to lessen or abort the acknowledgment, usage or realization of rights and freedoms in political, economical, social, cultural and other spheres of life in tantamount level”.

1.10. CONVENTION ON THE DISCRIMINATION IN THE SPHERE OF EMPLOYMENT OR WORK, 1958 (accepted in the General Meeting of MOT)

Article 1: “In the aims on the Convention above term “discrimination” includes every kind of discrimination, prohibition or preference given on the character of... religion..., origin, which brings to abortion or brake of equality of possibilities or reflects to employment or work”.

1.11. CONVENTION ON PREVENTION OF DISCRIMINATION IN EDUCATION, 1960 (accepted by General Conference of UNESCO).

Article 5: National minorities have the right to hold their own educating work, including heading of schools, or use or teach their native language.

1.12 CONVENTION ON THE RIGHTS OF THE CHILD, 1989 (accepted and is open for signing, ratification and joining General Assembly of the UN)

Article 30: In those countries, where national minorities exist, the child belonging to that group cannot be refused, together with the others, use his native language, culture, and religion, follow his traditions.

1.13 DECLARATION ON SOCIAL PROGRESS AND DEVELOPMENT, 1969 (accepted by the resolution of the UN)

Article 1: “all the nations and all the people, not taking into consideration... ethical origin, have the right to live in normal conditions and freedom and to use the social progress and to contribute to its’ development”.

1.14 CONVENTION ON THE POLITICS IN EMPLOYMEN SPHERE, 1964, and THE CONVENTION ON THE COOPERATION IN EMPLOYMENT AND PROTECTION FROM UNEMPLOYMENT (accepted by General Assembly of the UN)

2. Norms within OSCE

2.1 CONCLUDING ACT OF OSCE 1975 “DECLARATION ON THE PRINCIPLES UNDER WHICH COUNTRY-MEMBERS TAKE THE OBLIGATION OF FOLLOWING IT IN COOPERATION”

Principle 7. *respect of fundamental rights and freedoms*: “the country-members, in the territories of which national minorities exist, will have to respect their rights and freedoms, give them the right to use their fundamental rights and freedoms and will protect their interests in that sphere”.

2.2 TOTAL DUCUMENT OF WIEN MEETING, 1986

2.4 PARISIAN DOCUMENT FOR THE NEW EUROPE, 1990

2.5. SPEECH ON THE GENEVA EXPERT MEETING ON NATIONAL MINORITIES PROBLEMS, OSCE 1991

2.6. DOCUMENT ON MOSCOW MEETING OF HUMAN MEASUREMENT, 1991

2.7. HELSINKY HIGH MEETING DOCUMENT, 1992

2.8. DECISION OF BUDAPEST SUMMIT, OSCE 1994

2.9. DECLARATION OF LISSABON SUMMIT, 1996

2.10 DOCUMENT ON EUROPIAN DEFENCE, 1999

3. Norms within CE

3.1. CONVENTION ON THE PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

Article 9, 14

3.2. PROTOCOL N. 1 1952 TO THE CONVENTION, 1950

Article 2, 3

3.3. PROTOCOLE N. 12, 2000 TO THE CONVENTION, 1950

Article 1

3.4. CONVENTION ON THE RIGHTS OF NATIONAL MINORITIES, 1955

The whole document.

3.5. EUROPIAN CHART ON REGIONAL LANGUAGES AND LANGUAGES OF MINORITIES, 1992

The whole text

3.6. EUROPIAN SOCIAL CHART (added one), 1996

Part 5, article E: prohibition of discrimination

4. Conclusions

4.1. Conclusions within the limits of the UN

Georgia is considered to be the member of the UN since 31 July 1992. The specific character of the UN is, that it tries to include all the countries in there as subjects of international law, but at the same time, the norms, that are to be done don't have obligatory character in them. As it comes clear from the international acts mentioned above, the main obligation in right-protection lies on the General Assembly of the UN, and other specialised organizations, such as UNESCO, ITO etc.

General Assembly of the UN has the right to make types of recommendations setting fundamental rights and freedoms of the person without any discrimination of race, religion or language.

The mentioned recommendations, in their basic mass, have expressions by accepted GA resolution, by the way of handing for them voices by sites of States, i.e. by election process, and not by signing. The last fact, from the point of view of jurisprudence doesn't obligate the State, having voted for resolution, for realization of norms, pointed out in it.

This kind of rule-proclaiming, and, as a consequence the norms, being placed in declarations of General Assembly of the UN have got the name "soft right" in a theory of International Law. Though they don't oblige, but thanks to the authority having in them, they oblige to follow them.

At the same time, with declarations of GA and Conventions, accepted by them, different conventions exist.

The acceptance process is always followed by the explanation given about the possibility of ratification and signing. Those are the Convention on the Rejection of all types of Racial Discriminations (1965) and the Convention on the Rights of the Child (1989). The first one gives universal formulation of prohibition of discriminations of different bases, and first of all, ethics. The second one, which is not less important, for protection of minorities' rights, as childrens' rights, sets up their right to have their national originality and confidence of their national status in the process of formation, and have the possibility to be educated on their national language.

The work of fulfilling norms, mentioned in two Conventions, mustn't disturb other norms of the UN declarations, mentioned in the list, only by considerations of less obligation power of mentioned documents. On the contrary, it's necessary to point out the deviation of Georgia from taking upon them concrete international rights' obligations.

The approach to the protection of rights of national minorities, within the convention, accepted by UN, has general character. In all declarations and Conventions there's unit norm for prohibition of discriminations, without exact explanation of rights of national minorities and guarantee for the realization by the State (the above-mentioned International Convention of 1965 is an exception, which gives definite list of rights, and is foreseen the mechanism of control for it's realization by a Committee of rejection of all forms of racial discriminations).

At the same time, in a system of UN, mechanisms and institutes of protection of whole complex of rights for providing personal status exist. By mentioned organizations and institutes, it is necessary to reduce to peace unity of elementary promising of contemporary international relations. Disobeying, especially direct violation of rights, and discrimination of national minorities is an explosive element, directing to violation of whole complex of international rights", providing peace and security. It is important to reduce consideration of the problem of violation of rights of Armenian national minority in Georgia within the limits of mechanisms and procedures of Organs, foreseen by International Convention, in regard with rejection of all forms of discriminations of 1965¹.

Contemporary conflicts of international character become so, because during its time, nations and minorities weren't provided with the necessary limit of rights and freedoms, stating their status of national minority. Growing tendency of interstate conflict, because of violation of individual and collective rights and freedom of national minorities in a tantamount level with the others (by a position of national rights and relations) conflicts of international and interstate character, (where are moving forward demands of national rights on own-definition in the limits of State-violator), must be certainly admitted and taken into account by world unity.

Besides, there could be influenced the following mechanisms in a system of UN, in the limits of Committee of human rights.

¹ "Concern is expressed that the legislation currently in force in Georgia does not fully cover the requirements of article 4 of the Convention. The Committee is concerned at the absence of provisions explicitly banning the advocacy of national, racial and religious hatred that constitutes incitement to discrimination, as well as racist propaganda and organizations. The Committee considers that the national legislation currently in force is not sufficient to comply with the requirements of article 4 (b), as the latter covers the offence of promoting and inciting racial discrimination which may fall short of "fomenting ethnic, local, religious or social strife" as provided for in article 5 (2) of the State party's law on political associations of citizens. The Committee emphasizes that, in the absence of the establishment of racial discrimination as a specific offence, it might not be punishable and would be difficult to prosecute. The Committee recommends that the State party take steps to ensure that national legislation is in full conformity with article 4 of the Convention. In the context of the implementation of article 5, the Committee expresses its concern at the under-representation of ethnic minorities in Parliament. The Committee notes with concern the barriers to participation of minorities in political institutions, for instance with regard to the limitation on the participation of minorities in local executive bodies owing to a lack of knowledge of the Georgian language. The Committee recommends that the State party take all necessary steps in order to increase the representation of national minorities in Parliament and in local bodies". - Report of the Committee on the Elimination of Racial Discrimination Fifty-eighth session (6-23 March 2001) Fifty-ninth session (30 July-17 August 2001) General Assembly Official Records Fifty-sixth Session Supplement No. 18 (A/56/18). New York, 2001. P.26-27.

The Committee has its' auxiliary organ, being funded by Economic and Social Council of the UN and is authorized to present consideration and suggestions, recommendations and reports of mentioned Council. Mandate for acting of the Committee of concrete matters of researches and recommendations in a sphere of human rights are given to ECOSOC. By resolution of ECOSOC 1979, Committee will help them in coordination of acts of the UN.

The Committee has its own auxiliary organ, created also by resolution of ECOSOC – Subcommittee of acting and protection of human rights. Within the limits of the latter the working group, acts for the matters of human rights, belonging to national and ethnic, religion and language minorities. By International acts, coming forward of juridical limits of acts of working group, is a declaration of Human Rights, belonging to National and Ethnic, Religion and Language of 1992, Art. 2 of the mentioned Declaration, in which is stated, that “ Any person, belonging to minorities, have the rights to establish and support, without any discrimination, free and peaceful contacts with other members of their groups and persons, belonging to other minorities, and also contacts with other citizens of other states, with whom they are connected by national, ethnic, religious and language bonds”, especially is important and actual for Armenian population of Javakhk and it's efforts for getting out of isolated situation and arranging communications.

4.2. Conclusions within the limits of OSCE

The Organization of Security and Cooperation of Europe (OSCE) possesses complex of specific features:

- International personability of OSCE is considered to be damaging from the point of view of international law. It has no Charter, and also no exact documentally fixed procedures, united time limit of work, and lies on precedents and practice;
- The matters of juridical estimation of OSCE acts are debatable. It is considered, that decisions, accepted by OSCE carry political and not juridical character. For example, in the document of Stockholm Conference of 1986 is written, that its' norms are “politically compulsory”. In conduction process of the code, accepted in Budapest Conference, in regard with military-political aspects of security, are included words, that statute, fixed in code “have politically compulsory character”. The ability of OSCE for rule making realizes on the most basis level. The bases of interrelations between States in the region of OSCE are laid on it.
- In a process of norm making in OSCE, the principle of consensus is clearly seen, which defines “as a lack of any objection, expressed by any representative and promoting by it, as presenting obstacle for decision-making, considering the matter”.

In other words, it is acting the principle “nothing is ordinate, till everything is not ordinate”;

- Norms having the obligatory character to be realized are the ones setting undeniable obligations. The process of changing in this kind consumes consensus decisions of the same level, as the mentioned obligations have been accepted. Basically those are Heads of States and Governments, and also Ministers of Foreign Affairs;
- The organization has real abilities on the acts in some “measuring”: political dialog, operative work (mission, centers, permanent representations, groups observing the elections, e.t.c.).
- Everything enumerated above, intends conscientious fulfillments by State-participants of OSCE, who are put under obligations, even in political character, taking into consideration, the high level, on which those are accepted.

It is necessary to mention the following aspects in promoting of demands protection of elementary rights of national minority, including Armenian population in Georgia, within the limits of OSCE:

- First of all, this is an organization, which is engaged in matters of security in all measurements and manifestations of the notion. Participants of Istanbul Summit in 1999 have been fixed the following obligation: to build “relations in accordance with the concepts of general and universal security, being directed by principles of even partnership, solidarity and transparency. Security of each State-participant instantly is connected with the security of the others. We will consider human, economical and military-political security measuring as a whole unity (point 9 of European Security Charter of 1999). Human measuring of security, by text of Charter First, such is also by it’s role in keeping peace and security in the region of OSCE. Assembling the part of complex of rights, freedoms and guarantee of human measuring of security is the Institute of protection of national minority of State-participants of OSCE. Again, as it was shown in the example of UN, it is necessary to strive for the consciousness by OSCE of the fact, that security in it’s region instantly depends on the level and volume of rights, freedom and guarantee of protection of national minority in Countries-participants of the Organization with non-favorable atmosphere in human rights, such as, for example, Georgia.
- At second, OSCE is a regional Organization of security, with it’s distinguishing tooling of influence on processes of keeping safety and developing relationship. Charter of European security of 1999 confirms “OSCE is a regional agreement by a meaning of chapter VII of UN Charter, one of basic ones, regulating arguments in the region, and one of key-instruments of early warning, prevention of conflicts, regulation of crisis and after conflict revival. OSCE is a widely representing, universal Organiza-

tion for organizing consultations, making decisions and collaboration in it's region" (point 7). Regionalism implies great approach to the realities "trust territories", flexibility in acting of it's means and methods of influence on crisis situation.

- At third, in a work of providing human measuring of security in Great Europe in OSCE System, there are acting concrete institutes and proper individuals, responsible, in particular for problems of protection of rights of minority. In order to help the Ministers' Council, it is created a dislocated Center in Vein for preventing conflicts, in which limits State-participants organize corresponding consultations. The bureau of democratic institutes and human rights (BDIHR is in Varshava) influences on extension of relations in a sphere of "human measuring" and forming civil society in new democratic countries. Instantly with matters of national minority is engaged Supreme Commissar of national minority affairs of OSCE.

For effective presentation and defending rights of Armenian population in Javakhk within the limits of OSCE it is necessary to mention the good points of the thesis:

- Definite non-constructivism of decisions of OSCE organs is shown, on the one hand, in the form of juridical non-compulsory of making many decisions, and it means, that in a case of impossibility of forced fulfillment of taken obligations fulfillment, and on the other hand in a form of political bounding. The Moscow declaration of Heads of CIS State-participants, dated 3 July 2004, is significant. There's shown, that increased attention to the election for some countries, by ignoring problems, and in other State-participants, by violation of mandate of OSCE, and witnesses of availability of organization of practice of double standards and selecting approaches".
- "Flexibility" of OSCE, "softness" of procedure limits of this Organization doesn't allow it to react quickly and effectively on crisis situations, which is profitable for those countries of the region, which differentiate by national tolerance, and accordingly, doesn't provide proper protection of national minorities' rights in their territories.
- Georgia, as again forming State, by indefinite form of State Organization, and having in it's population staff considerable amount of national minority in the personal representation of Armenian national group, by political point of view, is a fragile subject of international relations. And by juridical point of view, Georgia is also fragile subject of international relations, not controlling definite territories (Abkhazia and South Osetia, and it is not only a right and obligation in juridical meaning (though, of course, also it), but also by political necessity for present authorities of Georgia. Euphoria of non-delicate return of Ajaria to the political and juridical space of Georgia is not a right, but probably can be understood as an exception (which

have been confirmed by events in South Osetia in summer, 2004), after which it may follow relax of political control of central authorities on other territories of Georgia.

The task must be reduced in unfold way of above-mentioned argumentation, shown in thesis, before the information of OSCE institutes. Mutual connection and supplement of efforts of the country, also it's national minority, in a work of developing and strengthening rights' complex, freedom and guarantee of minority defense, is mentioned on OSCE documentation: "In development of situation point 35 of Copenhagen document, paragraph 1 of division III of the report of OSCE expert's meeting, with regard to matters of national minority (Geneva, 1991) is mentioned, that "when matters, in regard with situations of national minority are discussed in their countries, they need to have a possibility to participate effectively in that process" (Lune recommendations for effectively participation of national minorities in social-political life of 1999). Those situations of Lune recommendations give five real possibilities and guarantee for Armenian population in Javakhk to start discussion of their problems on all levels (including in the form of appealing to the structures of OSCE) and personal situations to the leadership of the country.

By the office of Supreme Commissar of national minority affairs, recommendation form documentations are formed, for protection of rights of national minorities: Oslov recommendations of language rights of national minority in a sphere of education, and above-mentioned Lune recommendations for effective participation of national minorities in social-political life of 1999. By the efforts of State structures and social-political unites (academicals and export structures, organization of conferences and round-table discussions, e.t.c.), it is necessary to reduce to the Georgian authorities, the importance of the conformity of their legislation by mentioned recommendations. The conformity of Georgian legislation for the situations and recommendations of OSCE, if only on conceptual, basis level, with the registration of local demands and specialty of Javakhk.

4.3. Conclusions within limits of Council of Europe:

The purpose of Council of Europe is approaching between State-participants by the way of influencing on development of democracy and human rights' protection.

Probably, more active CE is Parliament Assembly (PACE). It is main initiator of fulfilling CE activity and organizes it's plenary meetings, accepting by majority voices, recommendations of the CE Committee of Ministers and National Governments. PACE organizes parliament hearings, conferences, forms different committees and subcommittees, research groups, e.t.c., created by a quality of organ, CE Congress of local and regional authorities is called to influence on the development of local democracy.

The importance of this Organization is precisely expressed, when acting in juridical field. In all basic ways of it's acting, and in a sphere of protection of rights and freedoms, especially CE forms juridical limits for State-participants. If for former republics of USSR having wish to become members of the UN and OSCE, they don't have to take any exact judicial obligations on them, (for example, Georgia became a member of UN and OSCE since 1992. Only after becoming a member, in March 1992, it signed Final act of OSCE of 1975, in July 1992, and Paris Charter for new Europe generally in January 1994. In other words, post Soviet Republics became members of the UN and OSCE, following the insertions of international personability of USSR), and it's impossible to tell the same about Council of Europe. States, entered again EC, had to take on themselves obligations of European Convention on human rights' and fundamental freedoms protection of 1950 and accept all units of it's controlling mechanisms. Main condition of being included in CE, is presence of democratic organization and organization of free, even universal elections.

On the theme, it is important for us to mention – protection of rights of national minority, applied to Armenian population of Javakhk; just CE is the international organization, in which it's possible to refer to juridical obligative rights' documentation. However, these acts are not compulsory for State-participants of CE, only in the validity of state of their membership in it. In order to spread juridical obligations of convention on States, expressing their agreement by signing, it is necessary to pass all foreseen interstate legislative stages. It, as a rule, is a process of ratification and entry of convention in validity. Georgia has signed Convention of CE for protection of rights of national minorities of 1995, in a process of entry in this Organization (the entry day in Council of Europe counts the entry day valid for Charter Countries of EC 1949 – for Georgia it's April 27, 1999 and signing day (but not valid entry) Conventions, in regard with protection of human rights and basic freedoms of 1950 – the same day: April 27, 1999). But Ratification of Conventions of 1995 with Georgia always delays.

Conventions of Council of Europe of 1995 have rigid obligative character for States. From article 16, II division of Convention, in which rights of national minorities are stated, 12 articles are composed exclusively with positions, obligating States. Positions of Convention are expressed juridically exact and there's no place for interpretation of second meaning. In the Convention a mechanism for realization of obligations, taken by States (Art. 24-26) is foreseen. According to them, in a process of controlling realization of norms of Convention of 1995, there are participating Ministers' Committee, General Secretary of CE and Consultative Committee, acting as an organ, helping Ministers' Committee of the Organization. Article 25 of Convention directly foresees that "in a year, after valid entry of real Convention in connection with any Participant, at last hands to Gene-

ral Secretary of Council of Europe the whole information about legislative and other measuring, set in present Convention”.

On the assumption of logic in accordance of juridical obligative documents by organs, separated by authorities for controlling fulfillment and realization of given obligations, it would be more clear the functioning of institute of Supreme Commissar of national minority affairs by extended authorities within limits of the Organization, where exists a document, as Convention of 1995, that is in a system of CE.

The following conclusions are possible for problems, interesting us:

- It is necessary to state the situation, especially sensitive relations of State-members of Council of Europe, for decisions, resolutions, declarations, outcoming of organs and authorized persons of that organization. Georgia is not exception, but one of bright examples. For confirmation it's possible to remember inadequate reaction of new elected president of Georgia M.Sahakashvili “on certain positions in a form of declaration of General Secretary of CE, regarding to events around Ajaria. By the place in Council of Europe especially in countries of post soviet region, either it would be reached by them not as “easy”, in a case with UN and OSCE. It was time to take concrete obligations on them, and act in the limits, draught by them. Semi decision form the obligations being taken by them, (signing, but not ratification) has to be removed anyway, especially more actual matter for us: ratification of Georgia Convention of 1995.
- Non-ratification of Georgian Convention of 1995 doesn't illuminate it from provision and protection of rights of national minorities. Article 14 of the Convention on rights and fundamental freedoms is, though, very general, but also takes exact obligations on right-protection of national minorities.
- Taking into consideration the “Eiforick”situation existing and the influence on Georgian government from the other states, it is a matter of necessity to emphasize on the methods used by the Georgian government in this sphere. Braking of rights of the Armenians in Javakhk (even in whole Georgia) can bring into big conflicts and as a result to brake of stategical plan of EC and violation of human rights and to the democratization process of South Caucasus.
- A system of applying into European Court of Human rights in case of violation of human rights must be taken into use. The Court mentioned in process of work takes into its' basis The Convention on Human Rights and Fundamental Freedoms (1950) and to its' Protocols. For Georgia it has taken into force Convention of 1950, protocol N.1 1952, (article 2: right of education, article 3: right of vote), protocol N. 12, 2000 (article 1: prohibition of discrimination). In this question sometimes it is possible to say that quantity can be transferred into quality, that is to say, how much

documents exist and are taken into fore, the government will understand wholly the abnormal situation in Georgia existing in sphere of Armenians' right protection. In the question being discussed it is a matter of necessity to mention the violation of Javakhk populations' rights, taking place from the central governmental bodies (as an example can be mentioned the situation in Ninotsminda region in 9 September 2000, which was being realized by direct participation of Georgian MP, and excitation of criminal case against the head of the leader of Ninotsminda R.Arzumanyan for giving place for construction of "Ashock-Ninotsminda" ELC).

It is also important to state norms in national legislation, which will state guarantees for Armenian population to conduct with both sides of Georgian boundary. There is enough basis for that in EC. Besides the Chart of Local self-governance 1985, European Convention on boundary contact of territorial population and governmental bodies 1980, additional protocol to the mentioned document 1995, and protocol N 2 to the European convention on boundary contacts of the territorial population and the governmental bodies in sphere of interterritorial contacts 1998.

Chapter II. International norms in the sphere of national minorities' rights in self-governance

1. Norms within the UN

1.1. UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948

Article 21: "Everybody has the right to participate in the governance of his country directly or by representatives".

1.2. INTERNATIONAL DOCUMENT ON POLITICAL AND CIVIL RIGHTS, 1966

Article 25: "Every person without any discrimination will have the right: a) to participate in governance directly or by representative bodies, b) to elect or to be elected in periodical elections".

1.3. DECLARATION ON THE RIGHTS OF NATIONAL, ETHNICAL, RELIGIOUS AND LANGUAGE MINORITIES, 1992

Article 2, part 2: "National minorities have the right to take part in the decision-making process in national or regional level, where it is necessary, in the field required or related to the minority group they belong to, in the region they live".

Article 2, part 5: "Members of national minority without any discrimination have the right to co-operate with the other members of the minority group or with the ones living abroad, to whom they are connected with religious, ethnical or linguistic knot".

1.4. CONVENTION ON THE REJECTION OF ALL TYPES OF RACIAL DISCRIMINATION, 1965

Article 5: "...country-members take the obligation... to provide equality of every individual in the spheres mentioned

c) Political rights and especially the right to take part in the elections, to elect and be elected, to have access to governing and to state service"

1.5. DECLARATION ON SOCIAL PROGRESS AND DEVELOPMENT, 1969

Article 15, 18, part 3

2. Norms within the OSCE

2.1. DOCUMENTS ON KOPENHAGEN CONFERENCE DISCUSSION ON HUMAN MEASUREMENT, 1990

Points 501, 6, 35, 36

2.2. PARISIAN DOCUMENT FOR THE NEW EUROPE, 1990

“Human measurement” part

2.3. DOCUMENTS ON MOSCOW MEETING OF HUMAN MEASUREMENT, 1991

Point 37

2.4 DECLARATION ON HELSINKY HIGH-LEVEL MEETING, 1992

“Human measurement” part, points 24, 53

3. Norms within CE

3.1. EUROPIAN CHART ON MUNICIPAL GOVERNMENT, 1985

3.2. EUROPIAN CHART ON REGIONAL LANGUAGES AND NATIONAL MINORITIES, 1992

Part 2, 3 Article 10, 14, “boundary contacts”

3.3 CONVENTION ON THE RIGHTS OF NATIONAL MINORITIES

Article 15-18

3.4 EUROPIAN CONVENTION ON COOPERATION OF TERRITORIAL COMMUNITY AND THE GOVERNMENT, together with 2 Protocols connected 1995 and 1998

4. Conclusions

Self-governance of national minorities is considered to be the guarantee of their right-protection process. The complex of right protection especially takes its' expression mostly in individual level. The right of self-governance without the characteristic of collectiveness is considered to be nonsense, as it is not able to provide acceptance of the main national legislation, which will bring to real self-governance. The list mentioned above touches complex approach to providing of self-governance right for national minorities. It

includes: the right of participation in governing process, which undertakes the right to elect and be elected and the right to take part in governing and to enter to national service. Right of transregional contacts with their compatriots for making better relations with the municipal government bodies of 2 countries.

The last right is considered to be more important especially for the countries, where alike religious, linguistic, and ethnical population exists, and where territorial contact of municipal governments exist. It is important to mention, that the last feature doesn't take the main role in conduction of two countries. It is mentioned in protocol N 2 to the European Convention on boundary contacts of territorial population and the governmental bodies 1980, the preamble: "for effective realization of their responsibilities the governments conduct not only with the foreign neighbor-countries but also with the ones not of that character in interterritorial level, with the direct participation of organs and associations, territorial population and the government, also in two-sided level". It is very much important not only for the grates off Javakhk, but for Georgia as well.

The complex character of this right is much expressed in the feature, which gives the person not only in group, but also in an individual level take part in governing actions, and also as a member of exact region has the right to take part in decision-making process of regional-level questions. The feature of belonging to national minority group also gives the right to use his/her native language, religion and gives additional protection mechanisms to right-protection.

Judicial complex is also added with other complexes providing right-protection. Those are considered to be political and economical ones. The first one includes institutes of territorial and non-territorial self-governance, expression of state will, ratification of the right of self-governance from the central government (it is expressed in judicial complex, in Constitutional level, in different legal norms and laws, taking the obligation to follow up the norms of international documents in the sphere mentioned). The second feature includes both conditions and possibilities for realization of the right and also the results of effectiveness of its' realization. In another words in order to be able to realize the rights it is important to have enough financial basis (budget, property), to be able to solve the problems of economical character, and also to use effectively the economical basis of solving of social-character problems in the regions.

So It is clearly seen that in process of perfect realization of right in self- governance it is very important not only the support in international level, but also (and mainly) in national level, and also the including of different subjects of international law (international organizations and different countries). The role of international partners takes mostly democratic character, which demonstrates civilized approach to the decision-making in local level. Correlation of national norms and the international ones (where normal conditions for it exist) is exactly mentioned in international norms. Those questions are more

clearly seen in acts of the CE and OSCE. The least gives political characterization to the solving of problems of regional level, mostly emphasizing on defense and cooperation of the countries. It is important to mention, that if the right-protection comes to be the matter of the Higher Commissar of OSCE on questions of national minorities, CE must give judicial features to it.

In the aspect mentioned, it is important to mention the Lune recommendation on effectiveness of national minorities on political life 1999. There the right of self-governing includes the right of control in municipal governing sphere. Demarcation of national and regional problem solving comes to be clear. It is more clearly seen in countries of UFC, which comes from the practice of former USSR. In Lune recommendation the mechanism of not taking into consideration the ethnical feature into the questions of territorial mechanism is clearly drawn up. At the same time that it is said that the non-territorial mechanisms, mostly expressed as “individual” or “cultural” autonomies, are more usable in geographically compact member groups. We must take our interest into the questions touching the realization of rights of Armenians in Javakhk, which are undividable from the territorial understanding of self-governance.

In the judicial document of CE - European Chart on local self-governance 1958, the understanding of subsidiary principle in differentiation of obligations for local self-governance is given. “The realization of public obligations must be done with the help of the governmental bodies which are more close to the nation” Pass of the obligations to another body must be done in accordance with the possibilities of the organ taking it and with the effectiveness of realization and economy.

Here it is important to mention: The question of delegated obligations must be discussed in accordance with the interest of the national minority living in that region especially pointing out the expectable results of political, economical character. The obligation of consideration of interests of national minorities is mentioned in point 21 of Lune Recommendation 1995.

At present situation the interests of Armenian population of Javakhk dictate exact obligations, which are even impossible to realize without the support of central governing bodies of Georgia. The support of Armenian resources is a matter of necessity. In this aspect it is important to mention the fact of ratification by Georgia the obligations of European Convention on boundary cooperation of territorial population and the governmental bodies 1980.

The misbalance of Armenian and Georgian national legislations in rights and responsibilities of national minorities come to be clear. If Armenia has accepted and ratified all the international and universal documents in the sphere mentioned, the same can't be said about Georgia. The fact of avoiding to take exact obligations in protection of rights of national minorities must be accepted by the international strictures in all levels.

Chapter III. Norms of National Legislation of Georgia in protecting rights of national minorities and in sphere of local self-governance

1. General statements on rights and freedoms of minorities

1.1. The Constitution of Georgia

The national legislation of Georgia in that sphere can be characterized as something fragmental and separated from democratic realizations. Though the main principles of the protection of rights of national minorities was expressed in the Constitution of Georgia, 1995, and in the whole legislation, there is no special act, which will state the rights and obligations of national minorities exactly. That is why the analysis will have spherical character and we will stress our attention to the norms, which interest us most of all and the practice of realization.

Let us take the spherical norms stated in the Constitution of Georgia. Article 3 states that the exceptional obligation of the government is making the decisions, touching the interests of human rights and freedoms. In that way the government not only takes the obligation of the regulation of the relations mentioned, but also the democratically realization of it, taking into consideration the fact that Georgia is a democratic republic (Article 1, part 2). Article 6 states the imperative principle of likeness of national legislation and international acts, also stating, that the international normative principles, which are not contradictory to the ones stated in the Constitution are dominate in comparison with the national ones. In the process of discussing the question it is very important to connect article 6 and 7 of the Constitution, which state that human rights and freedoms are considered to be “highly pressured humane values”. Even more, “during the realization the government and people are limited with that rights and freedoms, as ones being undeniably realized” (article 7).

If Georgia would have practice of realization of constitutional norms (Constitution is the main document of Georgia, other norms have to be correspondent to it, article 6, part 1) the norms mentioned would have been enough in protection of rights of national minorities from international standards’ (main principles and norms) point of view. If Georgia would realize the norms stating main rights and freedoms and correspondence the national norms into international ones in conceptual basis, they would directly be realizable, as they have dominate position in comparison with the national ones.

But reality is too far from the constitutionally stated level, as they not only don’t correspond to the main principles of international documents, but also are avoided from

the attention of the legislative, executive branches of Georgian government, even by expert groups.

According to the article 14 of Constitution of Georgia all the people are equal to the laws, without any discrimination of race, religion, national or ethnical factors. Article 19 guarantees equal right of speech, idea, and belief. Political rights of Georgians set the right to establish and to take part in parties or in other political organizations (article 26). The right of education and the right of choice of kind of education is stated either, even the government takes the obligation to guarantee the educational programs correspondent to the international level (article 35). Concluding from article 38, which states equality of people without any religious, linguistic, ethnical discrimination, all the people of Georgia have equal right of participation in social, economical, cultural and political spheres of life. The same article states the right of everybody “without any discrimination develop his/her private culture, use native language in private life and in public relationship” (by the way, correspondence of that norm to international principle is mentioned). It is important to mention, that the 6 the part sets, that “realization of rights of national minorities will not prevent to sovereignty, territorial complex and political life of Georgia”. It is important to mention that in no part of the article is stated the prevention of realization of the rights mentioned during armed conflicts to article 46 of the Constitution.

1.2. Freedom of Speech and Using Native Language

According to the Georgian law of Mass Media “Republic of Georgian provides the possibility for national minorities of receiving and spreading of information in their native language”(article3).According to the law abuse of Mass Media is stated, in connection to which racial, national, religious uncompromising propaganda is forbidden.(article 4). Articles 72 and 75 set criminal responsibility for propaganda of national, race or religious hate. Freedom of speech has a great influence on democratization of all the sides of public life. For national minorities it means their right express their thoughts about political, economical and cultural sides of life. In order to be realized as absolute citizens of the country in political sphere, they must have freedom of receiving information they need in the language, which is available for them. In that way the connection of both legal elements of active participation of national minorities in public sphere becomes clear- right of free expression of speech and using native language. The last one is mostly considered to be personal (family, education), the second one in the context of protection of rights of national minorities is considered to be public one.

The following recommendations can be given from here. Armenian population of Javakhk legally has the right of free expression of ideas (in publications and in electronic

way), and in available forms for the others either (Georgian as native language, Russian as a language for correlations for the other national minorities, Armenian for themselves and for the Armenian population). The following triad shows us the priority of interests in normal development of “human measurement” of the Armenian population in Javakhk. As citizens of Georgia they have the responsibility to know Georgian language, as members of national minorities to correlate in the language available for them and as Armenian nationality fusers to, identifying themselves at first for the national belonging and then in citizenship, to use Armenian language. The obligation to know Georgian language comes from the type of connection from the country, which has more long lasting character.

It is important to mention once more, that Armenians first of all emphasize their nationality and then their citizenship. It is important to make more actual the right to use Armenian not only in Georgia, but in other countries as well, which comes from the form of connection of the population and the results following the process. The following statement must find its place in the national legislation of Georgia. Recommendation of Oslo on language rights of national minorities 1998 can be considered standard basis of democratic form for the Georgian legislation, which are accepted and are being realized in many European countries. For the statements mentioned, the following is important for us:

- In Oslo recommendation freedom of association and freedom of using native language are correlated in choice. More, country cannot forbid those associations to find their financial resources from the national budget and international organizations and even from the private sector. (point 6, underlined by us)
- In the Oslo recommendation the correlation of freedom of using native language and mass media comes to be clear, in which is set “State regulation of the work of mass media is being done in criteria of non-discrimination and objective and mustn’t be used in prohibiting the use of right for national minorities” (point 8). Amount and the quantity of notification in the exact language of any national minority is in direct connection with the amount and the concentration of national minority and must be correspondent with the position and the needs of national minorities (point 9).
- The freedom of using native language is correspondent to the political rights of national minorities. In point 14 of Oslo recommendation the national minorities’ right of using native language with administrative bodies is mentioned, especially in the regions where they are in large amount. As a result is the following norm “in the regions where representatives of national minorities are in large amount, the government guarantees to provide the use of the language of national minorities by the ones being elected during their professional activities”. These and other norms must undeniably find their place in the right-protection of the Armenian population of

Javakhk and other compactly populated regions, where their rights are being violated under the pretext of “not knowing by them the national language of Georgia”.

- The government must provide the protection of rights of national minorities in state level, for example by ombudsmen or even by national associations of right protection (point 16).

In the language rights of national minorities the following characteristics come to be clear. The language as means of communication is given to a person by nature and is being developed in process of social relationship. But the country must guarantee the rights mentioned in the legislation and must provide real mechanisms for protection of language from any type of violation. The Oslo recommendations are made in accordance with that principle. It makes the state to provide necessary mechanisms and conditions for guaranteeing the national legislation.

In confirmation of the conclusions mentioned above it is necessary to pass again to the European chart on regional languages and language minorities, where is mentioned, that “the territory, where the regional language is being used, is considered to be the regional language or language of minority”. It is considered to be the geographical region, where the mentioned language is communicative language for the amount of the population, where the use of the norms of the Chart is being is acquitted. The Chart of 1992 sets that “the governments must provide their actions in accordance with the principles of support and use of regional languages and language minorities.... In public and private life” and “ the support to the type of international changes, included in the following Chart are being used with ...language minorities, used in two or more identifiably countries” (article 7).

Article 15 of the Convention on protection of rights of national minorities 1995 either sets the obligation of the state government to provide necessary possibilities for active participation of members of national minorities in cultural, public and economical life of the country, in decision-making, and especially in the sphere of the problems related to them.

1.3. Freedom of education and culture

Law on Education 1997 gives the members of national minorities the right to be educated in their native language. Article 4 of the law sets, that “The government with the help of municipal bodies makes available the form of education for the population to whom Georgian language is not native, the education in their native language”. According to the law on Culture the governments is obliged to provide satisfactory conditions on cultural development of national minorities (article 20).

Connection between the education and culture is clearly seen. Person cannot reach the necessary cultural level without educative level. The importance given to the language in educational sphere shows not only the social meaning of it. In order to be able to become real citizen of any country a person must be given the possibility to use his native language in correlations. In the sphere the interests of Armenian nation of Georgia tell the following:

- Right to open Armenian language schools, not in allowable form, as it is now, but in obligate.
- Right of relieving material resources from Armenia and from their Diaspora, (material-financial support for construction and completion of educational complex, receiving of educational material, teaching staff, educational changes).
- The main accent must be given to the international norms in the question being discussed (European cultural convention, 1954, Georgia ratified it, Declaration of principles of international cultural cooperation, 1996, etc).
- The importance of support in making programs and receiving staff from Armenia is very important either. As in Lune recommendation 1966 is mentioned, “if the obligation of setting educational standards takes the government, the national minorities have the right to set the contents of educational programs, which are correspondent to the needs of national minorities”. As an example can be mentioned the situation of Armenian schools in Georgia, where the education of Armenian history by Armenian language books is forbidden, as it is said “there are some statements, which are not accepted by the Georgian part”, and at the same time they have made and are using books of Georgian history in Armenian language, where insulting statements about Armenians exist.

It is important to make the Georgian government understand one undeniable truth: that loose of enough resources on social programs in Armenian regions of Javakhhk existing nowadays can bring into loose of the necessary judicial connections between the two nations. The hard of material providing can take Armenian nation or the Diaspora. But, according to Georgian legislation Georgia has the necessity of exact mechanism of protection of educational and cultural rights in opening new schools.

In the sphere of education also OSCE documents of recommendation character exist. Haag recommendation on rights of education of national minorities 1996, which starts from the statement “the soul of international documents”. There main principles of protection of rights of national minorities and especially in educational and cultural sphere exist. The obligation of the government to make better conditions for the development of life of national minorities is the first statement; the second one refers to the principle of giving equal right to all the members of national minorities possibility of development. “Regional bodies must have exact responsibilities in educational process of national mino-

rities, which undertakes the support in forming politics in regional level”. The existence of exact legislation relating to the sphere mentioned is a matter of necessity. Haag recommendations give the national minority member the right to have education in different levels from the primary to the high education level. The social situation and the educational level come to be clear. But if the country doesn't have the necessary resources of providing the educational level required to every minority group, the impossibility of setting productivity in satisfactory level also comes to be clear. The government must be very attentive to the needs of national minorities in educational sphere. From the other hand the national minorities must present normal requirements.

European standards in educational sphere of national minorities are drawn in the European chart of regional languages and language minorities 1992, and in the European convention on protection of national minorities 1995. The first one is referred to the educational sphere, article 8 sets the right of education and communication in native language. It also implies the teaching of Russian language in all the levels of educational process (is underlined by us), and connects it from the quantity and the needs of national minority group (part 2, article 8). From its' point of view the second convention sets 12 articles giving the right to receive any level education to the national minorities in their native language.

International Documents in the protection of rights of national minorities – International convention on rejection of any type of discrimination 1965 sets general norms and also the possibility for every country to interpret it into the national legislation.” Countries, when it is necessary, must accept required norms in support of protection of rights in economical, cultural, and other spheres for some racial groups, in order to provide complex protection of their rights”.

1.4. Freedom of Religion

The international observers, such as Amor Abdelfattah, UN Commission on Human Rights Special Rapporteur on Freedom of Religion or Belief, specify that religious rights of Armenians are not so much subjected to discrimination, due to the centuries-old of living of Georgians and Armenians side by side, and also due to the affinity of two faiths in their dogmatic principles. As a result, it can be assumed, that Armenians in Georgia are more discriminated on national, than on religious grounds¹.

¹ “The Armenians, one of the largest minorities in the country, have not often suffered religious intolerance, probably because they have lived side by side with the Georgians for many centuries and their religion is regarded by the Orthodox as "traditional." They have nevertheless had problems with the ownership of property; some of their churches had been confiscated during the Soviet period. The Special Rapporteur was informed by other sources that Armenians are often discriminated against, but more on the grounds of their nationality than their religion.” – Civil and Political Rights, Including the Question of Religious Intolerance. Report by Mr. Amor Abdelfattah, Special Rapporteur on Freedom of Religion or Belief. Addendum: Visit to Georgia. E/CN.4/2004/63/Add.1. UN Economic and Social Council, 16 December 2003. P.11.

It is possible to agree with the last conclusion, but only partly. The right of freedom of religion is a part of a legal complex of protection of human rights and freedoms. When religious rights of a national minority are derogated in any state, then it specifies not only the illegal character of the given state, but also its not civilized character. Religious tolerance is especially actual and claimed in our times. Oppression of any faith (restriction of clergy rights, restriction of property rights of the church, preventing the free realization of ceremonies, etc.) is inadmissible. Legal guarantees of protection of national minorities' rights on freedom of religion should have nation-wide character and should be fixed in a separate legislative act.

Regarding the protection of religious freedom of the national and other minorities in Georgia the following fact of a political context, which has two-year history, should be counted as demonstrative. In May 2002 the Council of Europe Commission on Racism and Intolerance has called the Georgian leaders to take more effective measures against the cases of religious intolerance. The report of the mentioned commission, published in Strasbourg, spoke about the facts of violations of the rights of national minorities in Georgia and about the dereliction of law enforcement bodies. Analogous reports were published by other international organizations as well.

As a whole, it is necessary to note, that though a situation with protection of the religious rights of the Armenian population in all territory of Georgia, and concretely in Javakhk is unfavorable, however, the facts of discrimination in relation to Armenians are less expressed on religious, than on a language or national grounds.

2. The right of Armenian national minority of Javakhk of local self-government and of active participation in social and political life

Proceeding from the above-mentioned issues of this chapter, one can ascertain that it is not possible to be content even with the general principles of protection of national minorities in Georgia. Especially, if they do not find their concrete definition in the legislative acts, which directly regulate the rights and freedoms of the specified category of people and accordingly do not provide precise mechanisms for their realization and guarantees for provision. Fictitious declaration and the following selective attention to this or that aspect of protection of the rights or freedoms of the national minority has a political context, which is used by the internal and external forces, which are far from real improvement of the condition of legal security of the national minorities in Georgia¹.

¹ The situation is also complicated with the absence of tolerance towards the minorities on the part of the Georgian majority and the extremely nationalist perception of the country's political life, which is inherent to the post-Soviet Georgian society: "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. Moreover, faith in the viability of autonomy structures located within wider federal arrangements is largely absent, as the separatism of the early 1990s emerged in the areas which enjoyed various degrees of autonomy. Notions of power

The following thesis becomes obvious: the real possession of the rights and freedoms and the real protection on the part of interstate authorities and external forces can follow only under the condition of real and effective possession by a national minority of effective imperious powers, even on the local level. That assumes taking the responsibility for the realization of the certain part of public affairs on a concrete territory. The question is about territorial self-government of a national minority, with the help of which it becomes a qualitatively new subject of interstate political order. In this case the national minority will be referred not as a sum of isolated individuals applying only for an individual protection of their rights and freedoms, but as a system, political-legal entity with its powers, competence deriving from such powers, and corresponding responsibility for the administration appropriate to the status.

The right of territorial self-government is closely connected with the right of political associations of the citizens. Freedom of associations for the people belonging to national minorities is guaranteed by Point 32.6 of Copenhagen document of 1990 and Article 7 of the Framework Convention for the Protection of National Minorities of 1995. The Point 24, Chapter VI of Helsinki document of the EUSC of 1992 underlines the obligation of the member-states to provide “to people belonging to national minorities free realization, on an individual basis and together with others, their human rights and basic freedoms, including the right for full participation... in political life of their countries, including... in political parties and associations.”

It is necessary to carry out a diverse approach in relation to political associations of Armenians of Javakhk and all Georgia and to territorial self-government of the regions of Georgia inhabited by Armenians.

Political formations are necessary for performance with a united front in issues with the central authorities of Georgia for the explanation and lobbying of interests of the Armenian population. They are also necessary for the access to real levers of influence at the level of central government which can be expressed, for example, in a special reserve of the certain number of seats in the parliament of Georgia for the representatives of the Armenian community (legislative influence on the policy of the center) and/or in official or informal arrangements on giving to the representatives of the Armenian community positions in the executive power of Georgia (administrative influence on decision-making process of the center).

sharing have no independent tradition to draw upon, while the Soviet experience of ethnically-defined territory has shaped nationalist aspirations. There is little tolerance by majority populations of minorities, who are seen as particularly susceptible to manipulation by outsiders since many of them tend to live in the border areas next to their kin states. This also discourages recognition of the legitimacy of any grievances they might have and discount them as separatism. For their part minorities seldom trust the states to ensure their well-being, and are often tempted to play the ethnic card in their struggle for attention and resources.” - Matveeva A. Minority in the South Caucasus // Paper Prepared for UN Commission on Human Rights, Sub-Commission on Promotion and Protection of Human Rights, Working Group on Minorities. Ninth Session. E/CN.4/Sub.2/AC.5/2003/WP.7. 5 May 2003. P.4.

The first opportunity can have its practical expression taking into account that Armenians are the second biggest nation in modern Georgia and that using some procedures of electoral process it is possible to expect a more essential quota in the legislative structures of Georgia. The second opportunity, basically, depends more on a political conjuncture.

Electoral procedure of Georgia concerning the rights of the national minorities excels with its not democratic character. The European standards specify the obligation of the state to guarantee the right of participation in state affairs, including the right to vote and to apply for elective positions on the basis of non-discrimination for the people belonging to national minorities. Article 16 of the European Framework Convention for the Protection of National Minorities of 1995 prescribes: “The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.” (by participants mean. states-participants of the Convention – the author’s comment)

Henceforth, OSCE Lund Recommendations of 1999 stipulate, that in “cases of joint residing of the minorities their sufficient representation can be provided by the creation of single-member constituencies,” and also “minorities’ representation can be promoted via proportional electoral systems.”

Before the modification of the Organic Law of Georgia on Local Self-Government and Administration of 1997 (with amendments of October 26, 2001 and June 21, 2002) the promotion of the candidates in the institutions of local government was possible only via party lists, which did not allow to the full extent putting forward of the candidates from compactly living national minorities in the places. However, the new edition of the law, removing this blank, has designated the arbitrary formation of polling districts, during which, for example, in Ahalkalaki region every Georgian settlement has its own “Sacrebulo” (rural board), and one “Sacrebulo” have 4-5 incorporated areas inhabited by Armenians. Meanwhile, the population in the Georgian villages of Ahalkalaki region, as a rule, does not exceed 400-500 people, whereas the population in Armenian villages reaches up to 2.000 – 2.500 people. As a result, 7 Georgian villages of Ahalkalaki region (an aggregate number of Georgian population in the area, by data of 2002 census is 3.2 thousand people, or about 5.2%) have received approximately 30% of votes in self-government bodies in comparison with 57.5 thousand (about 93.4%) of the Armenian population. The given disproportion is reflected in the real administrative rights in local matters, as the administrative body of a regional level (administration of the area) is created from the chairmen of all rural boards (Sacrebulos). Thus, an artificial decrease in the number of Armenian deputies exists at a regional level. It is necessary to add also the limitation, if not the

complete absence, of any precise powers of the head of a regional administration both in personnel selection, and in common matters of the region.

At the given concrete level it is visible, that the Georgian authorities, on the one hand, using blanks and discrepancies of the internal legislation to the European democratic norms of the suffrage, and on the other hand, interpreting as they want the norms of the laws in power, carry out a discriminative policy concerning the suffrage rights of Armenian population of Javakhk.

The policy of artificial intervention in demographic parameters of Javakhk, as well as the artificially created administrative region of Samtskhe-Javakheti, is the attribute of modern Georgian statehood. This intervention is not limited only to artificial (arbitrary) territorial increments of the Georgian settlements and even the whole areas and delimitation of Armenian-inhabited territories, but also is viewed in the forms of non-territorial self-government. The international acts categorically do not accept such an approach and unequivocally proceed from the obligation of the states to recognize the demographic realities of the regions under their jurisdiction. That means the states should not attempt to avoid performance of their obligations by changing the demographic realities of the regions.

The European Charter for Regional or Minorities Languages of 1992 obliges the states to respect the geographical area “of each regional language or the language of a minority so that the existing or the new administrative division did not create obstacles for spreading of the given language.” (Article 7, point “b”, part 1)

The European Framework Convention for the Protection of National Minorities of 1995 obliges the states to refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.” (Article 16)

Territorial aspects of the mentioned intervention of the states in demographic parameters of the region find their expression through the artificial administrative-territorial associations or divisions. Especially fatally it affects the rights of a national minority in the matters of the territorial self-government. A real demonstrative example in this regard can be the creation of the administrative and territorial unit of Samtskhe-Javakheti including in it the area of Borzhomi with the prevailing Georgian population, which never had neither corresponding historical, nor economic and structural ties with the other areas of Samtskhe-Javakheti (and even from the geographical point does not fit into the region of Samtskhe or Meskheta - the Georgian name of the historical Armenian province Nerkin Javakhk (Internal Javakhk).

The European Charter of Local Self-Government of 1985 in Article 5, titled “Protection of local authorities boundaries” stipulates, “Changes in local authority boundaries

shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute.” Though carrying out of a referendum is put in dependence on the internal legislation, however, the essence of the Article is in the obligation to count the opinion of the local population. It is necessary to tell, that the Georgian executive and the Georgian legislative operate in unison regarding the question of artificial intervention in demographic realities of Javakhk region. In fact, the joining up of Samtskhe (Meskheti) and Javakhk in one administrative and territorial unit, and also occurrence of Borzhomi area in it with the prevailing Georgian population, is a political action of the executive authorities of Georgia directed on the artificial equilibration of quantitative prevalence of the Armenian population of region, by the creation of a larger administrative unit. The Georgian legislator is not only silent on this matter (probably, considering Article 2, part 3 of the Constitution of Georgia), but also actively tolerates that process. Connivance is in the fact that though the Georgian parliament is close to ratification of the European Charter of Local Self-Government of 1985 and is ready to undertake the obligations under 23 articles of the Charter, Article 5, which provides for the obligatory account of the opinion of local population in connection with changes of administrative borders of local self-government, is not in the list.

The administrative-territorial structure of Georgia is not prescribed by constitutional norms. The Constitution of the Republic has formulated the principle of its possible definition: “The administrative-territorial structure of Georgia will be determined by the constitutional law on the basis of power differentiation principle after the complete restoration of jurisdiction of Georgia on all territory of the country.” (Article 2, part 3) The following positions are essentially important here. First, it is spoken not about the administrative-territorial, but about the future structure of the Georgian state. Second, the indication of the constitutional law and of the principle of differentiation of powers. Third, a condition of all listed is the restoration of jurisdiction of Tbilisi over all the territory of the country, whose borders are outlined in Article 2, part 1 of the Constitution – the territory of the Georgian state is determined as of December 21, 1991. All mentioned facts tell that the future type of the state system of Georgia can include both unitary, and the federal basics, which will become real by differentiation of powers, in particular in relation to those territories, according to Article 2, part 1 of the Constitution, which are actually not supervised by the central authorities currently. Regarding those territories, which have not expressed the desire and have not undertaken actions for not entering the state of Georgia, it is possible to assume a unitary principle of differentiation of powers between the center and the regions. This is also in many respects caused by an existing consensus in estimations and positions of political elite and expert circles of Georgia.

Article 2, part 4 of the Constitution speaks about local affairs, which “the citizens of Georgia decide by means of local self-government not violating the sovereignty of the state.” Confirming the above mentioned substantiation of federal and unitary understanding of the future changes in state-legal practice of Georgia, Article 2 formulates: “The order of creation, the authorities of self-government bodies and their relations with the state bodies are determined by the Organic law.” (underlined by us). Similarity of constitutional-federal and the organic-unitary approach is evident in mentioning of powers which local authorities will be allocated with. The continuation of the constitutional logic of the Georgian legislator is Article 3 of the Constitution, which directly follows it, in which spheres and questions that are subjected to exclusive conducting by the supreme state bodies of Georgia are listed.

The fact of not perception of the issue of granting of autonomy for Armenians of Javakhk among the new top leadership of Georgia has been expressed at a political level. Similarly recognition of the problem of autonomy both in expert circles (which proves to be true counting the numerous contacts with the Georgian political scientists, lawyers, advocates, etc.), and even among the few, now opposition forces of Georgia.

Nevertheless, the following basic model of territorial self-government for Armenians of Javakhk can be offered. Basically, it is unimportant, how will the future unit of the state-territorial structure be named in case of realization, especially counting the above-stated irrational perception of the word "autonomy" in Georgia, it is important to understand and define what powers it will have.

The European Charter of Local Self-Government of 1985 (Article 4), in particular, specifies the importance of differentiation of powers between the central and local authorities as the principle of efficiency of local self-government, This is mentioned also by the Lund Recommendations of 1999: “The experience in Europe and behind its borders specifies expediency of transfer of some powers of legislative and executive authority from the central level to regional, which should not be limited to simple decentralization of state apparatus and dispersal of its functions on regional or local divisions,” and further is the same: “In the framework of a principle of “subsidiarity” of the states should consider the opportunity of such territorial delegation of powers in a positive way, including concrete functions of self-government - especially in cases when it would expand opportunities of the minorities to take independent decisions concerning their issues.” (Point 19)

The Organic Law of Georgia on Local Self-Government and Administration of October 16, 1997 № 929-Ic in Article 6 establishes division of powers among the institutions of local government as mandatory and own. In their turn, mandatory powers are subdivided into exclusive and delegated. It is established in the law, that own powers of institutions of local government are composed of all those matters, which are not subjected to the

conduct of the state authorities and represent local matters. Thus, own powers, by the essence of positions of Article 6 of the law are established and carried out in conformity with the principle of “subsidiarity”. The powers of an exclusive character established in the law, which is of our interest, have conceptual importance for the development of the direction of local self-government. Article 7 of the Organic law of Georgia stipulates the exclusive and delegated powers of local authorities. So, for example, following the Article, the special powers include: the energy and natural gas supply to the local population, as well as the control over the melioration system on a concrete territory and forest zones, etc., and the delegated powers include: gathering of local taxes, civil registration, call of citizens for military service, etc.

So, if we start with the powers of local self-government bodies designated in the law, the majority of them have both local and nation-wide value. Distracting from the legal and technical aspects of the titles and powers separation according to the Organic law of Georgia (for example, if the power is own, it already assumes the concept of exclusiveness), it is necessary to note the legal utility of a detailed designation and concrete differentiation of powers between the central and local authorities. However, one must not forget that questions of differentiation of powers between the center and the regions should not come off national interests of the prevailing population on those areas where the self-government is carried out. The bodies of local, regional or especially of the autonomy administration should be formed in view of historical and territorial specificity of concrete national minorities. (Point 20 of Lund Recommendations) That is, during the very process of the formation of those structures the rights and freedoms of the national minority, which historically and territorially also have objective preconditions towards its security, should not be violated. Only being democratically formed, the structures of territorial self-government can effectively realize the powers delegated to them.

The interests of the Armenian population of Javakhk dictate the following conceptual base of differentiation of powers between the center and the given region, with promotion of corresponding claims on the part of the local Armenian public and population:

- Mandatory powers, according to Article 77 of the Organic law of Georgia, which are divided into exclusive and delegated, should take into account the low social and economic status of the region. The high level of unemployment, bad transport communication with the center and other matters specify the necessity of involving of Armenia and the Armenian Diaspora in the solution of existing social problems. Normative-legal bases to this are available when taking into account the exclusive powers of institutions of local government in the sphere of energy and natural gas supply according to Article 7 of the Organic law. Further, the delegated powers also should take into account the backwardness of the region in economic

development and should promote to overcome this (to leave in the region the most part of taxes collected);

- Own powers as directly inherent to the national judgment of its territorial self-government, should include and develop the questions of education, culture, use of language, preservation of the environment, local planning, provision with habitation, public health and other kinds of social services;
- All this should be supplemented with powers of local self-government institutions in more ample powers in personnel selection and in the issue of own safety. Operating with the understanding of safety under documents of OSCE (gradation on human, economic and military-political level), the following scheme is possible to present:
 1. The issues of human level including the legal provision of the status of Armenian population of Javakhk, its state-legal protection by the virtue of the fact of the presence of the given citizens of the republic in a steady legal connection with it, by the virtue of exclusive conducting by the supreme state bodies of the republic in the spheres of legislation on the human rights and freedoms according to Article 3, part 1 of the Constitution of the country – the power of the central authorities of Georgia, which should be based on the opinion of the international community and corresponds to its principles, norms and standards;
 2. The issues of social and economic level, including local planning, creation of workplaces, personnel matters, roads and capital construction, financing of social programs from non-budgetary funds, etc. – powers of local authorities of Javakhk;
 3. Issues of political level (public safety and legal order, etc.) – power of joint character between the central and local authorities, with an involvement, if necessary, of the resources of the Republic of Armenia and/or international organizations.

All three components are interconnected and should, by the example of their possible realization in relation to Armenians of Javakhk, emphasize the special status of the future territorial self-government of Armenians in the region. This is not a complete national autonomy, but this is not a usual local self-government status as well. Coherence of the all three levels of safety has many factual reinforcements in this case.

3. Conclusions

- In comparison with interstate regulation of questions of protection of the rights and freedoms of national minorities, legislative regulation in the sphere of local self-government in Georgia is more advanced. However, the coherence and interconditionality of the complex of the rights and freedoms of a national minority with a legal complex on fastening territorial and not territorial self-government,

results in the statement of the question of acceptance by Georgia of obligations in the sphere of the rights and freedoms of national minorities in conformity with the popular principles and norms of international law. Legislative acts of Georgia in this sphere should correspond and be based on the Framework Convention for the Protection of National Minorities of 1995 and on the European Charter of Local Self-Government of 1985. Active attraction of attention of international structures to the rights and freedoms of national minorities in Georgia and to the sphere of local self-government is therefore necessary;

- Legal aspects of the claims and offers, based on the above-stated theses and legal base (obligations of Georgia before the European structures and the international community regarding the protection of the rights of minorities, decentralization of local self-government, etc.), should necessarily be guided based on the political realities of concrete historical and territorial circumstances (demographic density and compactness of Armenian population of Javakhk; territorial adjacency with Armenia; the social and economic situation close to “humanitarian disaster”, etc.)

Chapter IV. Reference data, social-economic and political situation in Javakhk at the present stage

1. History, Geographical Position and Demographic Structure

1.1. Javakhk – historical background

Javakhk is first mentioned in cuneiform inscriptions of Van empire (Urartu) period and is referred to the end of 9th century AD. King of Van Empire Argishti the Second (786-764 AD) mentions about the province Zabakha (Jabakha), which he conquered alongside with other neighboring areas, in his well-known Khorkhorian inscriptions. According to many historians, yet from the beginning of VIII century AD Javakhk, being populated basically with Armenians, has been attached to Van Empire and was its farther northwest province.

Subsequently Javakhk, divided into two provinces by that time – Upper Javakhk and Lower Javakhk, was part of a historical area (Ashkhar) Gugark of Great Armenia, and was in its structure before the fall of the Arshakid dynasty in 428. Hence, up to the 7th century Javakhk, as well as other areas of East Armenia, was part of the Persian Empire. Later Javakhk, together with other regions of Armenia, has been seized by Arabs. Province Javakhk was under the Arabian domination up to the end of 9th century when king of Armenia Smbat the First Bagratuni (890-914) has again attached the whole region Gugark, together with Javakhk, to the Armenia.

With the weakening of the Armenian Kingdom of Bagratids, Javakhk at the end of 10th – beginning of 11th centuries was part of the Kingdom of Georgian Bagratids. In 1044-1047 the Georgian king Bagrat the Fourth on the place of a merge of the river Parvana with its inflow Karasunakhbyur has based the fortress Akhalkalaki. However Javakhk was part of the King of Georgian Bagratids not for a long time. In 1064 Turks-Seljuks led by Alp-Aslan have grasped and have plundered Akhalkalaki fortress. From now on Javakhk has been exposed constantly to the predatory attacks of Turk-Seljuks.

Only at the end of 12th century, during the reign of the Georgian queen Tamara, as a result of victories of commanders Ivan and Zakare Zakarians over the Seljuks, Javakhk has been attached to the Georgian state. Along with other territories of Northern Armenia, Javakhk has been given for administration to the representatives of the Armenian princely clan of Zakarians. Sargis Tmogvetsi and Shalva Toreetsi have been appointed as the governors of Javakhk. During this period, the well-known fortress Tmkabers, which is located on the bank of Kura River, becomes the large center of Javakhk, alongside with Akhalkalaki.

In 1266 the governor of Tmkaberd Sarkis Dzhahetsi, using disagreements between the Georgian kingdom and the intruded Mongols, managed to found an independent

princedom which, having strengthened, included the territories from Tashir up to Erzurum, and was known as Samtskhetskoe Attabekstwo. This princedom, whose population's majority was consisted of Armenians, kept the relative independence up to 1535. In 1484 Persian Shah Yakub has intruded on the territory of the princedom with his armies, has plundered and taken as captive many inhabitants. As a result the princedom weakened and could not resist to an attack of the incorporated forces of Georgian states of Imeretia and Kartli, which have grasped it in 1535. However, already in 1547 Osman Turks have grasped Akhalkalak and Akhaltsikhe fortresses, and henceforth, in 1637 have founded in the territory of Javakhk the Akhaltsikhe Elayet, subsequently a separate sanjak (province).

Armenians have inhabited Javakhk from ancient times, which is proven by Armenian, Georgian, Arabian, Turkish and other sources. According to Georgian source Leonti Mroveli, in the beginning of the 4th century, during the spread of Christianity by the sacred Nune (Georgian Nino), the spoken language of the Javakhk population was Armenian. According to Turkish tax registers of 16-18th centuries, the occupied parts of Javakhk and adjacent areas were basically inhabited by Armenians. Georgian author Vagushti Bagrationi, a member of congregation of Mkhitarists Ghukas Inchichyan, and others also write about it¹. However the establishment of Turkish sovereignty rendered a significant influence on the ethnic structure of Javakhk. The Christian population of the territory, and first of all Armenians gradually decreased in number, and instead of it the number of the Muslim population increased, basically due to Lazes and Circassians. By the end of 18th century Javakhk has lost a significant part of the original Armenian population, part of which has moved to other territories, with the other part being simply wiped out. Turkish authorities have considerably strengthened the fortresses Akhalkalaki and Akhaltsikhe, and Akhaltsikhian Pashalik, which was an important advanced post on the northeast borders of Ottoman Empire, has been created on the territory of Javakhk.

The new stage in centuries-old history of Javakhk is connected to the beginning of the establishment of Russian empire domination in Caucasus. In 1807 and 1810 Russian armies besieged Akhaltsikhe fortress twice, which considered being at that time as the most inaccessible Turkish fortress in Asia, but without any success. However, on December 8, 1811 the small group of Russian armies under the command of general Kotlyarevsky, having made a difficult transition in winter conditions, has occupied Akhalkalaki fortress with a sudden night attack. But in 1812, under the conditions of the Bucharest peace treaty with Turkey, Russia has been compelled to return the fortress. With the purpose of revival of the economic life of the devastated historical Armenian Lori region, which used to be the part of Eastern Georgia and together with it joined Russia in 1801,

¹ See for more details: Melkonyan A. Javakhk in 19th – the first quarter of 20th centuries (in Armenian). Yerevan, 2003.

the Russian military authorities in the beginning of 19th century several times organized deportations of the Armenian population from the neighboring regions belonging to Turkey and Persia. As a result of such actions the territory of Yerevan Khanstvo, Akhaltsikhe (which included also the territory of historical Javakhk) and Kars Pashaliks have lost the part of their original Armenian population. Only in November 1810, after the unsuccessful siege of Akhaltsikhe fortress, the Russian commander-in-chief general Tormasov has violently moved from there more than 1500 Christian families with all their movable property to Lori and the vicinities of Tiflis, without providing them with necessary means, as a result of which many families died or dissipated. Tormasov himself wrote to tsar, that he has ruined the territory in a way, that the enemy needs a long time for its settling and economic restoration.

During Russian-Turkish war of 1828-1829 Russian armies, under the command of I.F.Paskevich, have seized Akhalkalaki fortress again on July 24, 1828 and approach the walls of Akhaltsikhe. Russian armies should storm the strongest Turkish fortress on the eastern boundaries of Ottoman Empire, the garrison and Muslim population of which consisted of, as the contemporaries witness, from the most aggressive inhabitants of Turkey. However, Russian armies, as a result of a resolute and bloody attack have seized the Akhaltsikhe fortress on August 16, 1828. It had a huge importance for the further course of the war. According to Adrianopolis Peace Treaty of September 2, 1829, Akhalkalaki and Akhaltsikhe joined the Russian Empire. Besides, according to this treaty, in 1830-1831 many Armenians, led by their spiritual leader archbishop Karapet Bagratuni have moved to Javakhk from Erzurum, Ardahan and other territories of Western Armenia. In result, the number of Armenian population of Javakhk, which was considerably reduced as a result of infinite wars, has been restored. Along with local 1716 families (about 10-11 thousand people) of Armenians, 639 families of Muslims and 179 families of Georgians, about 58 thousand Armenians from Western Armenia have lodged here¹. By the request of the Emperor Nikolai the First the field marshal I.F.Paskevich has decided to lodge them in the territory of former Akhaltsikhe Pashalik, so that, as emperor told him, the Armenian population carried out the protection of the territory by an example of the Cossack military settlements in other areas of Russia. And on the place of a former Turkish fortress Russian military camp – a prototype of a modern Russian base - has been established. Present Akhalkalaki 62nd base, as well as the old Turkish fortress located in the neighborhood – witnesses and symbols of Russia's conquest of Transcaucasus. Armenians of Javakhk rendered considerable aid to the Russian armies during all subsequent Russian-Turkish wars of 19th century and during the First World War as well. Armenian population of

¹ See for more details: Melkonjan A. Javakhk in 19th – the first quarter of 20th centuries (in Armenian). Yerevan, 2003.

Javakhk was true stronghold of the Russian military authorities also during the anti-Russian performances of the Georgian population of Caucasus as it was, for example, during a large revolt in Guria in 1841. For almost two centuries, barely within 3 years (from 1918 to 1921) there were no divisions of the Russian/Soviet armies in Akhalkalaki and the whole generations of Akhalkalaki people have grown with the feeling that the military base is a part of their life, history and guarantee of their safety.

The connection of Javakhk to Russia was of great importance for normal lives and activity of the Armenian population of the region. The region began one of the centers of trade and workmanship in Caucasus, and a well-known school of Mesropian was opened by the efforts of Karapet Bagratuni. Many outstanding sons of the Armenian people were born and have grown in Javakhk – writers Derenik Demirchyan and Vahan Teryan, the first rector of Yerevan University Hakob Manandian, the military minister of the first Armenian republic Ruben Ter-Minassian and many others. Two out of four prime ministers of the Republic of Armenia – Hovhannes Kadzhaznuni and Hamo Ohadzhanian - also came from Akhalkalaki.

After the revolution of 1917 and fall of the Russian Empire a new stage full of tests and tragedies began in the history of Javakhk, as well as of the region. Russian armies conducting operations on the Caucasian front of the First World War have started to abandon fighting positions spontaneously, which allowed the Turkish armies to turn into attack on the whole length of the front. Small-number Armenian troops were not able to resist to the attack of Turkish armies. In May 1918 Turkish troops, overcoming the resistance of small Armenian groups of self-defense, have seized Javakhk. Tens of thousands of Javakhk Armenians, basically from Akhalkalaki and neighboring villages, who still remembered the genocide of Armenians of 1915 in Ottoman Empire, rescuing from Turkish armies, have tried to find a refuge in the territory of Georgia. However, the government of Georgian Democratic Republic, which has been created at the end of May 1918, has given an order to the armies under the command of general Ardzhevanidze not to let the Armenian refugees on the territory, thus dooming them on destruction from a cold and famine. The most part of refugees from Akhalkalaki has been compelled to locate in forests in the areas of Tsalk, Borzhomi and Bakuriani, to the north from Akhalkalaki. At the beginning of spring of 1919, as a result of Turkish intervention, about 40 thousand of the Armenian refugees from Akhalkalaki and neighboring villages died because of a famine, cold and illnesses.

Just after its formation, the Georgian government has put forward the claims for the territories of Javakhk occupied by Armenians, as well as on some other areas of Northeast Armenia, which resulted in Armenian-Georgian war at the end of 1918, which began after Turkey has removed its armies from the territories of Javakhk and Lori. The

Armenian armies have entered the territory of Javakhk from the side of Aleksandropolia and have started to move ahead successfully. However, the military actions have soon been stopped and Georgia, with the support of Antanta powers, has established its authority in Javakhk. The Georgian authorities have established a military dictatorship in Javakhk, and the process of compulsory settling of the region by the Georgian immigrants from the internal areas of Georgia began. In February 1921 Turkish troops again entered Javakhk. The Georgian armies again, as in 1918, did not render any help to the Armenian population of the region, which was forced to resist to Turkish armies with its own forces. As a result of the intervention of Turkish troops, famine and illnesses in 1918-1921 about 50% of the Armenian population was lost only in Akhalkalaki region.

After the establishment of the Soviet power in Armenia and Georgia, the question on Javakhk belonging was raised again. The overwhelming majority of the region population and of Akhalkalaki region first, supported joining of the region to the Soviet Armenia. The question on belonging of the Akhalkalaki region has been solved on the plenum of the Caucasian Bureau of the Communist Party of Bolsheviks on July 7, 1921 and has been transferred for consideration of the Central Committee. It is not difficult to guess, that Central Committee of the Communist Party of Georgia has unequivocally supported the transfer of Akhalkalaki region to the Soviet Georgia. On "casual" concurrence of events, on July 5, 1921 at a session of the same Caucasian Bureau of the Communist Party of Bolsheviks the decision on transfer of the other historical Armenian territory – Nagorni Karabagh, to the Soviet Azerbaijan was made.

Dynamics of development of a political situation in Javakhk during the post-Soviet period (1991 – 2003) is rather well covered in the works of various researchers¹; therefore there is no need to stop on it in a more detail.

1.2. Geographical review

Being a part of Northern (Arsian-Akhalkalaki) branch of the Armenian Highland, Samtskhe-Javakheti, and first of all its south – Akhalkalaki and Ninotsminda, is the typical mountainous country, 1800-2000 meters above the sea level in average. Akhalkalaki and Ninotsminda regions considerably differ by the severity of the climate even from the neighboring Akhaltsikhe and Aspindza areas. The snow can lay in Javakhk for a half-year. The main part of Javakhk is occupied by Javakhk plateau surrounded with not active volca-

¹ Policy Brief: Javakheti In Georgia. Problems, Challenges And Necessary Responses. CIPDD and FEWER. July 2000. <http://www.fewer.org/caucasus>; Darchiashvili D. Southern Georgia: Security Objectives and Challenges. Report Commissioned by Written for UNHCR's 'CIS Local Monitoring Project ', March 1999; Der Ghoukassian Kh., Giragosian R. Javakh: Stability through Autonomy. March 2001. <http://groong.usc.edu/ro/ro-20010326.html>; Peuch Jean-Christophe. Georgia: Javakheti Armenians' Call For Autonomy Has Tbilisi On Guard. <http://www.rferl.org/nca/features/2002/11/25112002183353.asp>; Sarkissian R. Javakhk: Socio-Economic Neglect or Ethnic Unrest? // DWA Discussion Paper N.101. April 2002 (www.oxy.edu/dapartments/dwa/papers/).

noes, and the region is shacked by earthquakes from time to time. The city of Akhalkalaki is located at 1750 m. above the sea level, and some villages of Javakhk are located at over 2000 m. The climate is characterized by the most severe thermal parameters for Georgia. The average annual temperature fluctuates within the limits of 2-3 above zero, even considering the fact that the city of Ninotsminda is located much to the south of Tashkent and Rome. Winters with frosts up to 40 and less degrees are frequent. The average annual temperature in winter makes -3, -15 degrees; the absolute minimum makes -41 degree. The temperature makes +13, +21 degree in the summer, maximum +39 degrees. In Samtskhe (Lower Javakhk) climatic conditions are a little bit softer, than in Javakhk itself (Upper Javakhk). The whole territory of region Samtskhe-Javakheti makes 6,421 sq. km., the Akhaltsikhe region makes 1,011 sq. km., Adigen region – 799 sq. km., Aspindza region – 832 sq. km., Akhalkalaki – 1,210 sq. km., Borzhomi – 1,188 sq. km., and Ninotsminda – 1,380 sq. km. The hydrographic network of the area is advanced enough. The main waterway – the Kura, forms rather extensive pool with numerous inflows (Akhalkalaki, Parvana, etc.). There are many lakes of a volcanic origin in the region – Makhatala, Khanchali, Parvana, Tabatskuri, Sagamo, Karzakh, etc. The Lake Parvana is the largest in Georgia in area, and the Lake Tabatskuri – the largest by the volume of the water. The total volume of the water in the lakes of the region makes 355 million m³. Javakhk is the area of sub-Alpine and Alpine meadows with set of spring and mineral water-currents.

1.3. Demographic situation and ethnic structure of the population

Administratively Javakhk is divided into two regions (*'rayons'*) - Akhalkalaki and Ninotsminda. As a whole, the province occupies 3.7% of Georgia territory, approximately 2% of the population of the country live here. Region Samtskhe (Meskheti) which corresponds to a historical Armenian province Lower Javakhk of Gugark province territorially is divided into three regions: Akhaltsikhe, Adigen, and Aspindza. The Borzhomi region, which is next to Akhaltsikhe, is separately located.

During the years of the Soviet power in Javakhk, as a result of a purposeful policy of the Georgian authorities, the migration of the Armenian population to the Soviet Armenia, to Northern Caucasus, and other areas of the former USSR got significant sizes. As a result, in 1989 the population of Akhalkalaki and the neighboring Bogdanovka regions (nowadays - Ninotsminda) made approximately the same figure, as the population of Ahalkalaki district (which included also the territory of present Ninotsminda region) in 1914 – about 100 thousand people (see Table 1¹).

¹ Melkonyan A. Javakhk in 19th – the first quarter of 20th centuries (in Armenian). Yerevan, 2003. P.230-231.

Table 1

*The number and the ethnic composition of the population of Akhalkalaki district in 1886-1914.
(thousand people, %)*

Year	Armenians	Georgians	Russians	Greeks	Jews	Muslims	Others	Total
1886	46.386 -72,70%	3735 -5,80%	6674 -10,40%	102 -0,10%	53 0,08%	6824 -10,70%	14 -0,02%	63.788
1894	49.807 -75,60%	3714 -5,60%	7272 -11%	56 -0,08%	52 0,07%	4962 -7,50%	6 -0,01%	65.869
1897	48.403 -72%	6322 -9,30%	4750 -7%	35 -0,05%	22 0,03%	6927 -10,10%	100 -0,10%	67.269
1914	81.014 -82,50%	6905 -7%	7185 -7,30%	-	-	3036 -3%	19 -0,01%	98.159

We shall also note, that Akhaltsikhe district (including the territories of present Akhaltsikhe, Adigen and Aspindza regions or “rayons”), as of 1914 had the population of 93.441, Armenians made 25.473 of them (27,3%), Muslims 52.737 (56,2%), Georgians 7.840 (8,4%), Russians 789 (0,8%), and 6602 people (7 %) – representatives of other nationalities. The population of the city of Akhaltsikhe yet in 1891 was made up of 15.914 people, Armenians made 12.495 (78,6%), Russians and Georgians 782 (4,9%), Jews - 2540 people (15,9%)¹.

The Georgian sources show the following dynamics of demographic development and ethnic structure of the population of Akhaltsikhe region in 1913-1959 (see. Table 2²)

The general demographic situation in the region of Samtskhe-Javakhetia from 1939 to 1989 divided by regions, according to official sources is shown as follows (see Tables 3 -7³):

Table 2

*The Number and the ethnic composition of the population of Akhaltsikhe region in 1913-1959.
(thousand people, %)*

Year	Armenians	Georgians	Muslims	Total
1913	14.213	8.239	20.327	44.230
1917	13.284	7.059	18.352	40.230
1931	14.647	7.222	22.673	46.830
1959	25.122	18.458	-	49.213

¹ Sahakian T..Politicheskaja and Spiritual - Cultural Destiny of Region Gugark-Goderdzakan of Great Armenia with the Beginnings for 1980th (in Armenian). Yerevan, 2004. P.304.

² Samtskhe-Javakheti: Realities and Perspectives. UNDP:Tbilisi, 2004. P.61.

³ Samtskhe-Javakheti: Realities and Perspectives. UNDP:Tbilisi, 2004. P.59.

Table 3

*The number and the ethnic composition of the population of Samtskhe-Javakheti as of 1939.
(thousand people, %)*

Region	Georgians	Armenians	Turks	Russians	Kurds	Total
Akhaltzikhe	5.836 (10,5 %)	16454 (29,7 %)	28428 (51,2 %)	1538 (2,8 %)	1423 (2,6 %)	55.490
Adigen	5466 (13,2 %)	942 (2,3 %)	32928 (79,7 %)	1281 (3,1 %)	69 (0,2 %)	41.314
Aspindza	6500 (19,9 %)	1741 (5,3 %)	21612 (66,2 %)	293 (0,9 %)	1980 (6,1 %)	32.644
Akhalkalaki	4857 (7,5 %)	54081 (83,6 %)	4015 (6,2 %)	1102 (1,7 %)	309 (0,5 %)	64.655
Ninotsminda	93 (0,3 %)	27376 (79,2 %)	1009 (2,9 %)	5862 (17,0 %)	77 (0,2 %)	34.575
Total	22752 (9,9 %)	100594 (44,0 %)	87992 (38,5 %)	10076 (4,4 %)	3858 (1,7 %)	228678

Deportation of the Turk - Meskhetians, and actually, of all the Muslim population of the region, which took place in 1944, changed the demographic situation in Javakheti cardinally. The government of the Georgian SSR started the realization of the large-scale program on settling of the territory by natives of internal areas of Georgia starting from the first post-war years, having an objective to decrease the natural prevalence of the Armenian population in the region. According to the most modest data of the Georgian researchers, the number of the Georgian immigrants has made over 32 thousand people, or almost the third of all population of the region in 1950s¹.

In result, according to the 1959 census, the Georgian population of some areas has several times increased in comparison with the 1939 census. For example, in Adigen region with 5.466 people (composing then only 13,2% of the population of the region) the Georgian population increased three times, up to 16.187 people, thus having made 82,6% from the population (owing to deportation of the local Muslim population). In Akhaltzikhe region also more than three times (from 5.836 people, which in 1939 was 10,5% of the population of the region, up to 18.878 people which, owing to the migration of the Muslim population again, have made already 37,4% from the population of the region). In Aspindza region the Georgian population increased approximately 1,5 times, from 6.500 (19,9%) up to 9.081 people, however, for the same reasons having made 80,6% from all the population of the area.

It is necessary to note, that the numerical composition of Armenian population of Javakheti, despite of traditional high birth rate (one of the highest among Armenians all

¹ For more details see: Darchiashvili D. Southern Georgia: Security Objectives and Challenges. Report Commissioned by Written for UNHCR's 'CIS Local Monitoring Project', March 1999.

over the world), practically did not undergo any special changes. It is especially visible on the example of Akhalkalaki region, where the number of the Armenian population was 54081 (83,6%) in 1939, and in 1959 – 57.209 (90,8%). It is necessary to emphasize, though, that deportation of the Muslim population of the region practically did not touch the most densely populated areas of the region (Akhalkalaki and Ninotsminda), and, hence, on the fact of prevalence of the Armenian population in these areas in which in 1944 also the overwhelming majority was made by Armenians.

Table 4

*The number and the ethnic composition of the population of Samtskhe-Javakheti as of 1959.
(thousand people, %)*

Region	Georgians	Armenians	Russians	Other	Total
Akhaltzikhe	18878 (37,4 %)	25753 (51,1 %)	3684 (7,3 %)	2115 (4,2 %)	50.430
Adigen	16187 (82,6 %)	1627 (8,3 %)	1276 (6,5 %)	508 (2,6 %)	19.598
Aspindza	9081 (80,6 %)	2068 (18,4 %)	60 (0,5 %)	56 (0,5 %)	11.265
Akhalkalaki	3566 (5,7 %)	57209 (90,8 %)	1647 (2,6 %)	555 (0,9 %)	62.977
Ninotsminda	50 (0,2 %)	27090 (84,5 %)	4616 (14,4 %)	308 (1,0 %)	32.064
Total	47762 (27,1 %)	113747 (64,5 %)	11283 (6,4 %)	3542 (2,0 %)	176.334

Massive migration of Armenian population of Javakhk to Armenia, Russia, and other areas of former Soviet Union in 1960-1970 got very big sizes. Principal causes of it were the problems with employment, getting education, etc. Thereof, despite of high positive demographic parameters of Armenian population of Javakhk, its number in the region did not change essentially by the end of 1970s.

Meanwhile the settling of the territory by ethnic Georgians, which resulted in gradual percentage increase in their share in general population of Javakhk continued. This, in particular, was especially visible in Akhaltzikhe and Adigen regions, where such a substantial growth of number of the Georgian population could not be the consequence of a natural increase of the population, taking into account the traditionally low birth rate of the Georgians. At the same time, another reason of growth of quantity indicators of the Georgian population became the artificial overestimate by the authorities of the republic in the official census data. This tendency has received even greater development in Georgia already during the post-Soviet period, especial during 2002 census, when the facts of frank falsification of the number of the Georgian population took place in Javakhk.

Table 5

*The number and the ethnic composition of the population of Samtskhe-Javakheti as of 1970.
(thousand people, %)*

Region	Georgians	Armenians	Russians	Total
Akhaltzikhe	21436 (41,3 %)	25497 (49,1 %)	2849 (5,5 %)	51.907
Adigen	17582 (86,7 %)	1466 (7,2 %)	676 (3,3 %)	20.272
Aspindza	9929 (79,5 %)	2421 (19,4 %)	95 (0,8 %)	12.494
Akhalkalaki	3926 (5,6 %)	63954 (91,4 %)	1297 (1,9 %)	69.992
Ninotsminda	321 (0,9 %)	32399 (86,9 %)	4344 (11,7 %)	37.267
Total	53194 (27,7 %)	125737 (65,5 %)	9261 (4,8 %)	191.932

Table 6

*The number and the ethnic composition of the population of Samtskhe-Javakheti as of 1979.
(thousand people, %)*

Region	Georgians	Armenians	Russians	Total
Akhaltzikhe	21702 (43,1 %)	24035 (47,7 %)	2910 (5,8 %)	50.350
Adigen	18007 (90,1 %)	1263 (6,3 %)	424 (2,1 %)	19.975
Aspindza	9651 (77,8 %)	2654 (21,4 %)	56 (0,5 %)	12.411
Akhalkalaki	3067 (4,4 %)	63692 (91,7 %)	1788 (2,6 %)	69.455
Ninotsminda	370 (1,0 %)	32231 (88,0 %)	3330 (9,1 %)	36.632
Total	52797 (28,0 %)	123875 (65,6 %)	8508 (4,4 %)	188.823

Nevertheless, by the end of the USSR existence Javakheti region continued to be one of the most monoethnic regions of Georgia in a demographic aspect with the absolute prevalence of the Armenian population. According to last Soviet census of 1989, in Akhalkalaki region 91.3 % of the population were Armenians, 4.3 % - Georgians, 2.5 % - Russians, 1.8 % - representatives of other ethnic groups. In Bogdanovka (present Ninotsminda) Armenians made up to 89.6 %, Georgians - 1.2 %, Russians - 8.3 % and 0.8 % - other ethnic groups.

Table 7

*The number and the ethnic composition of the population of Samtskhe-Javakheti as of 1989.
(thousand people, %)*

Region	Georgians	Armenians	Russians	Total
Akhaltzikhe	25648 (46,8 %)	23469 (42,8 %)	3426 (6,2 %)	54822
Adigen	19491 (91,6 %)	1237 (5,8 %)	294 (1,4 %)	21282
Aspindza	10753 (80,1 %)	2565 (19,1 %)	45 (0,3 %)	13432
Akhalkalaki	3005 (4,3 %)	63092 (91,3 %)	1737 (2,5 %)	69108
Ninotsminda	454 (1,2 %)	33964 (89,6 %)	3161 (8,3 %)	37895
Total	59.351 (30,2 %)	124327 (63,3 %)	8663 (4,4 %)	196539

In the middle of 1990s an artificial administrative and territorial unit - region Samtskhe-Javakheti with the area of Borzhomi (1189 sq. km., the population in the mid 1990s - 38.973) was created by the decree of the president of Georgia. According to the Constitution of Georgia adopted on August 24, 1995, the administrative-territorial divi-

sion will be determined only after the full restoration of jurisdiction of Georgia in the whole territory of the state (Article 2, part 3). Before the settlement of the Abkhazian and South-Osetian conflicts, the administration control is conducted according to the Decree № 237 of 1994, according to which the head of the state has established the institute so-called "governors" in the regions. As in this Decree the question is only about the institute of representatives and does not say anything about the creation of regions, the joining of Samtskhe (Meskhtia or Upper Javakhhk) and Javakhhk in one administrative and territorial unit, with addition of Borzhomi area, causes many disputes. Naturally, the Armenian population is excited by the fact that their actual destiny is put in dependence upon the ambiguous problem solving of Georgia with the former autonomies. Moreover, this administrative-territorial unit actually contradicts the Constitution of Georgia, which does not provide for the presence of such a territorial division in the country. It is necessary to note also, that the inclusion in the structure of the new territorial unit of Samtskhe-Javakheti of Borzhomi region was not caused by neither historical, nor economic conditions and substantiations, and had only one purpose – artificial reduction of percentage ethnic balance as more than 2/3 of the population in Borzhomi region were Georgians. Thus it is necessary to take into account, that during certain period of time three high-mountainous Armenian villages (Molit, Tabatskuri, and Chkharula) also were in the structure of Borzhomi region, laying to the north of Akhalkalaki region which had steady historical ties with this region of Javakhhk. This fact absolutely matched the official Georgian policy, which had an objective of a gradual partition of administrative regions with the prevailing Armenian population and their inclusion in Georgian areas (By the way, the similar policy was carried out by the central authorities concerning Armenian population of Tsalka and others Armenian-populated regions of Georgia as well).

The administrative-territorial division done in the mid 1990s directly reflected in the ethnic picture of a created region, where the Armenian population does not make 65% of the population any more. As of 1997 the demographic picture in the joined province, according to the data of the former main advisor to the representative of the president of Georgia in Samtskhe-Javakheti M.Gagechiladze, now looked as follows: in the most northern Adigen region, next to Ajaria, lived 1.407 Armenians (5,8%), whereas the Georgians - 22.222. (91,6%). 2.780 Armenians (19,1%) and 11.660 Georgians (80,1%) lived in Aspindza. In Borzhomi, close to the central Georgia, there were 10,0% (3.816), of Armenians, Georgians - 77,6% (29.518) from the aggregate number of the population; and in Akhaltsikha - 42,8% Armenians (23.644) and 46,8% Georgians (25.688). Armenians made an overwhelming majority of the population in Akhalkalaki – 91,3% (62.814), in compari-

son with 4,4% of the Georgians (3.027); in Ninotsminda – 89,6% Armenians (34.697) and 1,2% Georgians (451)¹.

However, it is necessary to mention, that during the post-Soviet time the percentage ratio of the Armenian population in Upper Javakhk increased a little. In many respects it is connected by the fact that in 1990s the bulk of Ajaris and Georgians whom the authorities tried to inhabit in Akhalkalaki and Ninotsminda regions returned. The natural decrease of a population was also observed in those several villages of Akhalkalaki region where Georgians lived, which was connected to a traditionally low birth rate and the migration of the Georgian population to the central areas of Georgia as well. But the main factor - the policy of the Georgian authorities, which aspired to create intolerable social and economic conditions for the Armenian population of the region and to provoke their massive migration - has returned as a boomerang to them, resulting in a mass flow of the Georgian population of the region first of all, which did not endure the heavy conditions of life. According to the official Georgian statistics data based on the electoral records, by the end of 1990s 95.3% of the population of Ninotsminda and 93.6 % of Akhalkalaki regions were Armenians (See Table 8)².

Table 8

The number and the ethnic composition of the population of Samtskhe-Javakhetia by the end of 1990s.

Region	Georgians	Armenians	Other	Total
Akhaltzikhe	31913	22309	1245	55467
Aspindza	12120	2497	71	14588
Adigen	22682	1122	447	24251
Akhalkalaki	3787	71281	1122	76190
Borjomi	28519	3816	5733	38068
Ninotsminda	435	35173	1293	36901
Total	99356	136198	9911	245465

According to the last official census of the population of Georgia, which was carried out in 2002, the share of ethnic minorities has considerably decreased across the country in general making up about 16.3%. Correspondingly, the Georgian population made up 83.7% from the aggregate number of the population. This is very sharp reduction of a share of non-Georgian population across the country because according to previous census of 1989 the share of ethnic minorities made up 29.9% of the population of the republic. Table 9 illustrates the dynamics of the ratio of the number of national minorities across

¹ See. Conflicts and negotiations, №3-4, Tbilisi, 1997.

² Antonenko O. Assessment of the Potential Implications of Akhalkalaki Base Closure for the Stability in Southern Georgia. EU Response Capacities // CPN Briefing Paper, August 2001. P.8

Georgia in a more detail.¹ However, many researchers consider the data of official census of 2002 on national minorities too underestimated, and, for example, they estimate the number of Armenians of Georgia as 350-400 thousand people, i.e. not less than 8-9% from the whole population of the country. It is also possible to assert that Armenians continue to remain the ethnic minority of Georgia first by their quantity as the census of 2002 did not count the Armenian population of Abkhazia which does not concede with its number to the Abkhazian population of the republic. Some Armenians also live in South Osetia where the census of 2002 was not carried out as well.

Table 9

The number and the ethnic structure of the population of Georgia according to 2002 census

Nationality	Number in 1989 (thousand people)	Number in 2002 (thousand people)	Share in general population in 1989 (%)	Share in general population in 2002 (%)
Georgians	3787.4	3.661.1	70.1	83.7
Armenians	437.2	248.9	8.1	5.7
Azerbaijanis	307.6	284.8	5.7	6.5
Russians	341.2	32.6	6.3	0.75
Osetians ²	164.1	38.0	3.0	0.87
Greeks	100.3	15.1	1.9	0.35
Abkhazians ³	95.9	3.5	1.8	0.008
Ukrainians	52.4	7.0	1.0	0.0016
Total	5400.8	4371.5	100	100

Now, in Samtskhe-Javakheti region, in spite of artificial inclusion of Borzhomi region, the majority of the population continues to be Armenians. According to the last census of the population of 2002, the demographic picture by region is the following (See Table 10).

Table 10

The number and the ethnic composition of the population of Samtskhe-Javakheti according 2002 census

Region	Armenians (thousand people)	Georgians (thousand people)	Total (thousand people)
Adigen	0.7	19.8	20.7
Aspindz	2.3	10.7	13.1
Akhalkalak	57.5	3.2	61.0
Akhaltsoikh	16.9	28.5	46.1
Borjomi	3.1	27.3	32.4
Ninotsminda	32.9	0.5	34.3
Total	113.3	90.0	207.6

¹ www.statistics.ge/Main/census/INDEX.htm

² The census was not carried out in territory of Abkhazia and South Osetia

³ The census was not carried out in territory of Abkhazia and South Osetia.

At the same time it is necessary to take into account, that there are big doubts in reliability of the data presented, and there are bases to think, that the number of the Armenian population of Samtskhe-Javakheti has been artificially underestimated by the official bodies of Georgia during the 2002 census, simultaneously overestimating data on Georgians. Frequently a double counting of Georgian population took place, for example, some inhabitants of Aspindza region, who had received houses at the end of 1980s - beginning of 1990s and had been registered in a number of the Georgian villages of Akhalkalaki region (Okami, Azmana, Prtena, etc.), were simultaneously counted during the calculation of the population of Aspindza region as well. Even the simple analysis of the data of the past Soviet censuses, and a comparison of parameters of electoral of 1990s, etc., specifies the non-reliability of the data on number of the Armenian and Georgian population in Samtskhe-Javakheti.

In Akhalkalaki region, in 57 out of 64 villages settlements completely populated by Armenians, in 5 villages - (Gogashen, Apnia, Kotelia, Prtena, and Chunchkhia) – Georgians prevail. In 4 villages – Baraleti, Murdzhahet, Okami and Azmana, the population is mixed, and consists of both Armenians and Georgians. In one village – Khospia, Armenian population prevails, but Georgians and Greeks also live there. In the Akhalkalaki regional center also the overwhelming majority is made up of Armenians, but Georgians, Russians, Ukrainians, and the representatives of other nationalities also live there though in very small numbers. In Ninotsminda region all settlements (31 villages and the city of Ninotsminda) are Armenian, except for Gorelovka settlement (in which Armenians and ethnically Russian Dukhobors co-exist) and Spasovka settlement (where Armenians, Dukhobors, and Ajarians live together).

The Georgian government repeatedly aspired to change the ethnic picture in the region. Still in 1982-1983 the first attempts were initiated of settling of Ajarians from the mountainous areas of Ajaria, basically from area of Hulo, to a southwest part of Akhalkalaki region. In 1989-1990 a new attempt was undertaken for their settling, again under the pretext of granting dwellings lost by them in a result of natural disasters in Ajaria. It is necessary to take into account, that climatic conditions in Ajaria are much better than, and the demographic density of population is much less, than in Javakhk. Thus, there were no objective reasons, in the first place economic, for populating of Ajarians in Javakhk. All these actions had an objective, from the one hand, to lower the density of the Armenian population of the region, and from the other hand – to weaken the potential of the Autonomous Republic of Ajaria, create favorable conditions for settling it with «pure ethnic Georgian element» from the internal parts of the Republic. Significant means for construction of settlements for Ajarians were spent, however, most of them subsequently returned back. Besides during the post-Soviet period information appeared about the

attempts of settling in a number of places of the region, including in Akhaltsikhe and Aspinda regions, of criminal elements and people with the criminal past of the Georgian nationality, part of which had returned from Russia or were freed from their places of imprisonment ahead of schedule, with the purpose of rendering pressure on the local Armenian population.

Simultaneously, as a result of internal instability in Georgia, the overwhelming majority of Russian and Russian-speaking population including the representatives of religious minorities - Dukhobors and Molokans closely living in Akhalkalaki and Ninotsminda, left the republic. Most of them immigrated basically to Russia during 1990s, another part - to Canada. From more than 3000 Dukhobors living in five villages of Javakhk, only a third remained now. Currently they make up the majority of the population only in settlement Gorelovka¹.

The Georgian "Fund of Merab Kostava" and society «Revival of Javakheti» actively joined the purchasing of dwellings of gone Dukhobors, realizing the order of the first president of Georgia Zviad Gamsahurdia for the creation of a buffer inhabited by Georgians between Armenia and Javakhk (in particular, in 1989 there was an attempt to create several Svan villages; later the government of Georgia moved Ajarians injured of landslips to village of Dukhobors Spasovka from the mountainous areas of Ajaria. The case is known, when Dukhobors sold almost 60 houses in 45 minutes in village Kalinino. However, it resulted in the anxiety of the Armenian population of the area: in reply to attempts undertaken by the Georgian public organizations on settling of the Georgians and Ajarians in Dukhobor villages Armenian families from nearby settlements of Ninotsminda region – Poka, Eshtia, Aragjal, and Satkha - also started to occupy them: causing the "anxiety" of the Georgian political and public organizations. However, not only their. The problem has even been erected almost to a rank of a state policy, and not only during Z.Gamsahurdija's presidency, but also during E.Shevarnadze times. For example, in one of the decisions of the Committee on protection of human rights and interethnic relations of the Republic of Georgia of August 1995 it was mentioned, that there were «unhealthy relations» and «without any account there exists a sale and purchase of apartments» between Dukhobors re-settled communities of Armenians and the Georgians, as well as with the leadership of Ninotsminda region. It is not difficult to notice, that the commission is concerned with the fact that in process of settling of Dukhobor villages not only Georgian organizations on "colonization" of the region joined, but also, which was quite natural, the local Armenian population. With a view of "improvement of demographic condition" in the region the Committee even asked corresponding authorities to study the

¹ Krindach A. Fighters for spirit from Javakhetia // the Independent newspaper – Religions (in Russian), 14.11.2001.

issue and especially to promote the employment and improvement of a social status of the Georgian immigrants. Besides, there was a serious concern in connection with serious reduction of the number of the Georgian immigrants to Akhalkalaki region¹.

Table 11

The number of refugees and temporarily displaced persons and their accommodation in Samtskhe-Javakheti region

Samtskhe Javakhetia	Total	Men	Women
Adigen	54	23	28
Akhalkalaki	65	32	33
Akhaltzikhe	212	121	91
Aspindza	16	7	9
Borjomi	2.622	1.444	1.181
Ninotsminda	11	6	5
Total	2.980	1.636	1.344

In the result of conflicts in Abkhazia and South Osetia the significant amount of Georgian refugees and immigrants from these disputed zones were settled in Samtskhe-Javakheti. By January 2001 their number reached almost 3.000 people (see. Table 11²).

As shown in the table, the most part of the Georgian refugees and moved people live in Borzhomi region, basically in various former boarding houses and hotels of Borzhomi. However, some of them live in other areas of Samtskhe-Javakheti as well. Taking into account, that returning of the Georgian refugees in places of their former residing during the present political conditions, is hardly possible, most of them will likely, remain in the region for a constant living.

2. Economy, social structure, migration, and education

2.1. General social and economic situation

Javakhk was the lowest invested part of Georgia since Soviet times. There is a lack of roads and railways, and the existing ones are in a very bad condition, the infrastructure of cities is underdeveloped. One of the reasons was an expansion of a frontier zone up to 78 km at the end of 1950s to the center of the country, touching the zone of Soviet-Turkish border (in other places such zone had the width from 27 to 7 km). A special strengthened control regime in the frontier zone (access there was only via visas, given to the people invited by permanent residents), except for a significant part of Javakhk, was

¹ About social and economic situation of Javakhetia region // The Decision of the Committee on protection of human rights and interethnic relations of the Republic of Georgia, 10.08.1995.

² Sumbadze N., Tarkhan-Mouravi G. Working Paper on IDP Vulnerability and Economic Self-Reliance. UNDP: Tbilisi, July 2003. P.84.

on all territory of the neighboring Akhaltsikhe, Aspindza and Adigen regions also and remained up to the beginning of "perestroyka". However, local Armenians perceived it both as the policy directed on restriction of their contacts with Armenia. Only in the second half of 1980s when the disturbances in Nagorno Karabagh began, the government of the Georgian SSR has adopted "The Program of social and economic development of Javakheti population." Probably, it was an attempt to secure against the opportunity unrest in Javakhk against Tbilisi. However, the only result of this Program became the means on the organization of the settling of inhabitants of mountain areas of Ajaria injured of natural disasters to a southeast part of Akhalkalaki region. However, heavy climatic conditions and the social and economic crisis, which struck the country during the last years of the existence of the USSR, have resulted in the actual failure of that Program.

It is necessary to note, that during the Soviet times the Georgian government consciously did not develop industry in Javakhk, despite of the presence in the region of a significant working potential. Thereof the departure of the Armenian population of the region to other parts of the USSR for seasonal works became widespread. The only large industrial enterprise constructed in Akhalkalaki region – a factory manufacturing the equipment for cable-roads, was created only because of being the enterprise of Union belonging, implemented the orders of the Soviet military-industrial complex and the decision on its construction was held directly in Moscow. Thus, the specificity of manufacture of this enterprise was such, that actually there was no opportunity to release production having demand and realization directly in the region. From the mid-1980s, during the peak of so-called "cooperative movement", in Akhalkalaki and Ninotsminda regions the construction of stone-working manufactures developed, manufacture of which realized basically in Russia, which affected at once the social and economic condition of the population of Javakhk and its well-being essentially rose. However, the Georgian government soon began to purposefully create difficulties for the activities of those enterprises. Artificial problems were created on transportation of ready production on the territory of Georgia, transfer to the region of the stone facing plates, financial assets obtained from the realization; taxes have been lifted for the economic activities, etc.

Meanwhile, it is necessary to note, that during Soviet time Javakhk also was one of the most important agricultural regions of Georgia. The basic branches of agricultural production there were animal industries and potato cultivation. By the end of 1980s only in Akhalkalaki region there were over 100.000 heads of cattle, the annual yield of a potato was above 100.000 tones, and almost 30-36.000 tones was bought by the state¹.

¹ Data given by the former leadership of the region.

The region had leading positions in Georgia also in manufacturing of cheese, oil and other dairy products. However, after disintegration of the USSR the situation in the region worsened considerably, all economic parameters fell for several times.

In 1997 the government of Georgia has ratified the new “Program of social and economic development of Samtskhe-Javakheti region,” however it remained on the paper as all the previous projects.

The results of 1990s appeared to be extremely difficult for the economy of Javakheti not only because of the general deterioration of a situation in all Georgia. The official statistics shows, that by the end 1999 Akhalkalaki and Ninotsminda regions conceded even to the neighboring regions of the new administrative unit Samtskhe-Javakheti by volumes of industrial production (including the important for the region sphere of agriculture). (See Table 12) At the same time, during the analysis of the quantitative data it is necessary to take into account, that the population of Akhalkalaki region considerably surpasses the population of all other regions while the level of industrial production is much less. For example, in Aspindza region with the population of 13.000 people the industrial production in January - July 2001 was 252,5 thousand laris, and in Akhalkalaki region during the same period, with the population of about 61.000 people, it made up only 71,3 thousand laris. At the same time it is necessary to note, that unlike the neighboring regions, in particular Akhaltsikhe region where, despite of an energy crisis, the electricity reaches the industrial enterprises on a regular basis, in Akhalkalaki region there is no way to achieve the delivery of the electricity for the industrial capacities and enterprises.

Table 12

Dynamics of industrial production (including agriculture) in Samtskhe-Javakheti region in 1999-2001¹

Region	Industry Growth in 1999 (%) in comparison with 1998	Industry Growth in 2000 (%) in comparison with 1999	Industry Growth in 2001 (%) in comparison with 1998 ²	Industrial production in January-July of 1996 (thousand lari)	Industrial production in January-July of 2001 (thousand lari)
Adigen	44.8	246.5	138.0	9.6	32.3
Aspindza	113.1	105.0	107.4	76.2	252.5
Akhalkalaki	52.2	34.6	86.3	195.0	71.3
Akhalsikhe	86.9	116.4	117.4	737.7	662.6
Borjomi	59.0	110.9	93.2	5025.5	3245.6
Ninotsminda	126.4	98.8	84.9	239.0	147.2
Total	63.7	107.2	95.8	6310.0	4371.6

¹ Antonenko O. Assessment of the Potential Implications of Akhalkalaki Base Closure for the Stability in Southern Georgia. EU Response Capacities // CPN Briefing Paper, August 2001. P.22-23.

² The first half-year of 1998 and the first half-year of 2001.

An extremely complex situation in economy of Javakhk, connected, except for all other reasons, also with the almost full absence of an infrastructure, a massive migration, a zero level of the state support and the actual disorder of local manufacture are distinctly obvious during the analysis of the quantitative indicators of the budget of Akhalkalaki region in the latest years (See. Table 13¹).

Table 13

*Amount of the budget of Akhalkalaki region and distribution by the articles
in 2001-2004 (in thousand laris)*

Year	Total amount the budget	Including local incomes	Transfers from the center	Charges for education and culture ²
2001	2.288.0	997.0	1291.0	1.185.0
2002	2.893.0	852.0 ³	2.041.0	1.750.0
2003	3.022.2	886.0	2.156.2	1.856.2
2004	3.789.0	839.0	2.950.0	2.420.0

However, despite the all economic difficulties, In 2001 about 40.2% from all of the manufacture of potato in Georgia was gathered in Javakhk, with the greatest average indices of a crop in the country (15.3 tones per 1 hectare), as well as 5.1% of vegetables and 4.5% of corn; besides, the number of the cattle in Javakhk made up 8.4% from the number of all Georgia, as well as 1.8% of pigs, 13.7% - sheep and goats, 12.3% of bee families and 5.4% of poultry in all republic. 8.7% of meat, 10.2% of milk, 4.2% of eggs, 21.4% of wool, and 13.8% of honey received from all Georgia were made in Javakhk⁴.

It is necessary to add, that the development of a strategic plan for the development of Samtskhe-Javakheti in the interests of the central authorities of Georgia, and as monitoring way for the number of international organizations the Caucasian Institute of the Peace, Democracy and Development (CIPDD), was closely engaged (and is engaged now) based in Tbilisi together with a number of the interested governmental departments. When developing the project they differentiated the following major directions - in particular, education (including the studying of the state Georgian language), liquidation of the information vacuum, revival of the infrastructure of the region, assistance to the development to the small and middle-size business, and the social sphere. Development of this project flew by

¹ On the data given by regional administration.

² It is necessary to take into account, that the specified budgetary charges on culture and education do not provide the minimal living level (the level of salaries of teachers, except for teachers of the Georgian language, makes in total about 20 dollars), and also cannot provide the real renovation cultural and educational objects.

³ After the reduction and removal of the land tax.

⁴ Sumbadze N., Tarkhan-Mouravi G. Development Strategy for Akhalkalaki and Akhaltsikhe Districts of Samtskhe-Javakheti. Tbilisi, May, 2003. P.12.

the financial support of the international organizations. The president of Georgia E. Shevarnadze declared the quick beginning of the project realization still in 1999. However, its details remained unclear for the local regional authorities and the population for a long time.

Moreover, the former "governor" of Samtskhe-Javakheti Gigla Baramidze once even declared that the project "has a privacy stamp and is not subject to coverage," answering on the question on how this plan will be carried out and what are the details and terms of realization¹. Only in October 2002 this project titled "Program of actions on provision of social and economic development of Samtskhe-Javakheti in 2002–2005" was finally published².

The program consisted of 15 sections, each assuming separate projects on concrete directions. However, the formulation of the actions, their volume and priority directions choice unequivocally allowed to assert, that it was nothing more than another agitation act, called to show visibility of the "care" of the Georgian government of the needs and problems of the population of Samtskhe-Javakheti region. From more than 30 items of the above-stated actions of the Program, which directly or indirectly concerned to Akhalkalaki and Ninotsminda regions, only some items are partly executed by the end of 2004. Among them: repayment of debts to pensioners for 1998-2000 (in 2004!), repair of two-kilometer parts of a highway in the cities of Ahalkalaki and Ninotsminda, the organization of some training courses for studying Georgian language, some other actions in the sphere of education, repair of the new building of Akhalkalaki regional hospital (in the building of the Soviet barracks in a former Russian military station!) and repair of separate lines of water supply in a number of villages of Akhalkalaki region. All the other part of this wide-scale Program is not realized so far.

However, we shall notice, that with the beginning of the realization of the program on rehabilitation of Samtskhe-Javakheti the Georgian side once directly mentioned to the prospect of a removal of the Russian base from Akhalkalaki, which has an important economic value for the region.

Now it is possible to ascertain confidently, that in Akhalkalaki and Ninotsminda regions practically there is no industrial production, though the natural resources allow organizing significant production, which could soon pay back and bring significant incomes. The majority of the population in the region works in agriculture and trade. The animal industry is an important branch of agriculture. The basic agricultural culture – potato, is taken out to Tbilisi and other regions of Georgia for realization. However, because of the lack of a purposeful policy of the Georgian government on protection of interests of local agricultural producers, plenty of cheap potato is delivered from Turkey and even from Holland with dumping prices. Thus it is necessary to note, that if M. Saakashvili's government directed,

¹ From conversation with the representative of regional administration of Akhalkalaki.

² Vrastan, 26.10.2002 (in Armenian).

within the framework of so-called "humanitarian intervention", whole columns with agricultural fertilizers to Ajaria and South Osetia in the spring-summer 2004, then not a set of fertilizers arrived in Javakhk within the framework of the state help.

In the sphere of trade the region of Javakhk, owing to remoteness from Batumi and Poti seaports, depended on delivery of the goods from Armenia, Southern Osetia, and partly from Russia. After the events in South Osetia and closing of Ernet market there the delivery of the goods from there stopped. Deliveries of products from Armenia in the latest period become difficult owing to toughening of the regime on the Georgian-Armenian border on the part of the Georgian authorities and increase in the level of corruption on the part of corresponding services of Armenia. The events with closing of the Russian-Georgian border from the mid-September of 2004 affected considerably on the situation of the region, since the most part of the Georgian motor vehicles detained on the border, also was from Javakhk. It essentially reflected on the standard of life of the population of the region.

The significant share of incomes of local population of Javakhk consists of money transfers from Russia and other regions of CIS. For example, in Akhalkalaki the level of remittances from Russia, received through local branches of two banks, makes the sum equivalent approximately to 25.000 dollars per day. For comparison, let's note, that the industrial production of all Akhalkalaki region, for example, from January to July 2001 made only 35.000 dollars. During the same time, introduction of a visa regime with Georgia by Russia has compelled many seasonal workers from Javakhk to resettle to Russia, because otherwise they would not manage to return home each season because of the high trip costs, bureaucratic difficulties, etc.

Actually, there are no real mechanisms for social protection of the population in Javakhk. Pensions and salaries are given to budgetary workers with months-length delays, and they are so miserable, that do not allow providing even a living minimum. For example, the average size of monthly pension makes about 10-15 laris (i.e. 5-7 dollars), the average salary of state employees – about 30-50 laris (15-25 dollars) in a month. At the same time, the scales of corruption achieved terrible levels. Though Georgia is a leader among many countries of the world by its level of corruption, nevertheless, it reaches unknown sizes in the Samtskhe-Javakheti region. An especially difficult question is the issue of mutual relations of the Armenian population of Akhalkalaki and Ninotsminda regions with the officials of the provincial structures located in Akhaltsikhe. The population of these areas, which is forced to go to Akhaltsikhe for even small information, faces with the arbitrariness of officials who are all practically ethnic Georgians, mainly from other areas of Georgia. Thus, discrimination on national grounds on the part of Georgian officials is added to imperfection of bureaucratic system and corruption.

The significant level of shadow economy also affects the social level of population of Javakhk. According to official data of the State department on statistics of Georgia, the shadow economy was estimated, even on rather underestimated data, at a level of 40% though in a reality it is much higher. As the part of social payments is made from the tax receipts of local authorities, a significant level of shadow economy, and, as a consequence, the large scale concealment of taxes (some local businessmen try to pay taxes for their activities in Tbilisi or other regions of Georgia where due to various illegal frauds it is possible to pay considerably smaller sums) do not allow local budgets to provide even a minimum level of social protection for the population.

There is an energy problem in the region till now. The purposeful unwillingness of authorities of the country to solve the problem of electricity supply of Javakhk from Armenia by “Ashotsk–Ninotsminda” is observed. Only recently, before the visit of the President of Armenia to Georgia on October 22, 2002, some motions in this question were planned; however the question of all-day supply of Javakhk from Armenia practically is not solved by now. The Georgian sources themselves constantly explain it, strangely enough, only by the interests and rivalry of some local political and economic groupings in Akhalkalaki region¹.

The energy crisis is also aggravated by a catastrophic situation with the heating of the population of Javakhk in the winter. In the region which is considered to be the coldest place of Georgia where actually there is a need of constant heating within 9 months of the year, in the climatic conditions of which the snow cover sometimes lays from October till April, there are no enough means for heating the population. Since the Soviet times the main gas line passed only in 20-30 km from the area of Akhalkalaki, however the means were not found for the connection of the region to the main gas line that would allow solving the problem of heating. Together with that, the prices for fuel (coal and fire wood) are the highest in all Georgia. If in Russia and Ukraine the procurement price of coal makes from 20-30 dollars per ton, then in Akhalkalaki region, despite the really high transport expenses, it is sold before winter of 2004 via the non-comparable price of 220-230 dollars per ton. Even in Armenia, taking into account the complexities with transportation and the big tariffs for passage of cargoes on the territory of Georgia, the prices for coal are much lower. “The similar situation is with the price for fire wood

¹ In report CIPDD prepared for the Supreme commissioner of OSCE on affairs of national minorities, it is directly spoken: “During the last two winters, in an attempt to improve the situation, Samtskhe-Javakheti started to directly purchase electricity from neighboring Armenia. However, while this led to a considerable improvement in Ninotsminda, the situation in Akhalkalaki at times was even worse than before. The primary reasons for this lies with the competition with small but influential local electricity producers that have created their own grid and management problems in the regional electricity company.” – Strategy for Conflict Prevention and Development in Samtskhe-Javakheti, Georgia // Written by the CIPDD at the Request of the OSCE High Commissioner on National Minorities, October 31, 2002. P.9.

which, by the way, is delivered from Borzhomi, bordered with Akhalkalaki region. The prices for fire wood for the Armenian population of Akhalkalaki and Ninotsminda regions is much higher, than for the population of other neighboring areas of the same Samtskhe-Javakheti provinces – Akhaltsikhe, Adigen or Aspindza, though the transportation costs are almost identical. Moreover, the cost of realization of that fire wood in Armenia where they reach by the transit through Akhalkalaki and Ninotsminda regions is less than in those areas. This proves the purposeful policy of the Georgian government. As a result of which “a humanitarian disaster” occurred in Javakhk.

There are no elementary household and sanitary conditions in the region. Many villages of Akhalkalaki and Ninotsminda regions have no water supply; the population is forced to deliver water from the neighboring villages or to get it from the wells. In wintertime it is more difficult. There are no ambulance stations in villages, there are no qualified medical personnel and equipment, and for reception of even a small medical aid the population of those areas is forced to leave for the neighboring Ashotsk region of Armenia, which is 50 km away from Akhalkalaki. Only last year efforts of the number of charitable organizations of Armenia and Diaspora two floors of the former Soviet military barracks in Akhalkalaki, allocated for the regional hospital, were repaired. However the works in a building are not finished till now, as the money for repair of the third floor of the building should have been allocated by the Georgian government, still prior to Shevardnadze's visit to Akhalkalaki, however, they are not received yet.

There were times when Javakhk population had some hopes with the passage of the “Baku-Tbilisi-Jeyhan” oil pipeline by its territory. They thought that significant number of workplaces would be opened in the process of in the process of construction of further service of the oil pipeline, which will positively affect the social and economic situation of Javakhk region. However, the decision on replacement of the final part of the pipeline route (according the original project, on its final part of passing on the territory of Georgia it should have crossed Akhalkalaki region and met the Turkish border at the Karzakh Armenian village) and its carrying through the territories of Borzhomi and Akhaltsikhe regions with an exit in Vale region, which was made on the political level under the pressure and urgent recommendation of the government of Georgia, has left the region aside from the large-scale investment projects again. Javakhk is not included in the framework of all other indirect programs of help as well, which are implemented in the framework of the pipeline construction.

It is necessary also to discuss the question of functioning and rehabilitation of the railway when analyzing the situation with the infrastructure in the Samtskhe-Javakheti region. The question of construction of Marabda-Akhalkalaki-Kars railway was repeatedly raised during the last years. The first stage supposes the construction of the single-track

railway from regional center Akhalkalaki to Karzakh settlement (on Georgian-Turkish border). The supposed cost of the single-track railway construction was estimated in 60 million dollars. Reconstruction of existing Marabda-Akhalkalaki was planned at the same time, which was not functioning during the post-Soviet times as the most of its elements were stolen and periodic trips of diesel locomotives to Akhalkalaki were only made, because of the absence of the equipment necessary for the functioning of electric trains, etc. There was some information that Turkish side was allocating 110 million dollars to the Department of railways of Georgia for the construction of the whole Akhalkalaki-Kars railway, 20 km of which should have passed on the territory of Georgia. The approximate cost of the project is estimated in 1.5 million dollars¹.

Turkish companies “Jangiz Holding” and “Okan Holding” presented a more than 150 million dollar project to the government of Georgia for the stage-by-stage construction and reconstruction of Karzakh-Akhalkalaki-Akhalsikhe-Khashuri road with the involvement of Turkey’s “Eximbank” for financing². It is necessary to take into account that Georgia has also received significant financial help during the post-Soviet period from international organizations on rehabilitation and development of the infrastructure and roads. So, on May 25, 2000 the World Bank made a decision on granting a credit for rehabilitation of the roads of Georgia, which was the continuation of the Bank’s assistance in the field of transportation after the realization in 1999 of the project on country’s transportation system restoration. The reconstruction of more than 162 km of road covering and two bridges was also supposed. The total cost of the project was estimated in 55 million dollars, 40 million from which should have been given by the World Bank, and the rest 15 million – Georgian government³. However, all these projects have remained only on papers, no financial help for the realization of these communication projects was allocated to the region.

It is necessary to note, that the roads in Akhalkalaki and Ninotsminda regions are in a terrible condition. And the question is not about “bad condition of the road covering”, but often about the absence of such a concept, as roads. One have to drive on the edges in some parts as the holes have several meters in width and up to one meter in depth, and become impassable in a rainy weather. 70 km part of the road from Akhalkalaki to Akhalsikhe requires over 2 hours to pass, and 20 km of the road connecting the regional center Ninotsminda with Armenia is passed by cars in an hour in summer. In winter, in Akhalkalaki and Ninotsminda regions the road communication between the regional centers and many villages stops for several weeks because of the snowdrifts. There is no any

¹ Free Georgia, 30.08.1998; Free Georgia, 04.09.1998

² Free Georgia, 20.08.1998

³ World Bank. News Release N.2000/359/ECA. Washington, 25.05.2000

technical maintenance service of the roads, especial during the winter period. Moreover, every winter the 5-10 km piece of the road connecting Ninotsminda and Armenia regularly closes for several days making impossible the passage for the automobiles, as a result hundreds of vehicles remain in the open air at minus 30 degrees; there were even cases of people deaths. And all this happen because there is no opportunity to simply clear away snow from the road. Therefore, is necessary to note, that this part of highway Ninotsminda-Bavra (up to the Armenian border) was not being repaired since the Soviet times purposefully, no financial assistance was allocated for the maintenance as the Georgian authorities tried to limit as far as possible the direct transport communication between Javakhk and Armenia.

The similar situation with practically full absence of automobile roads is observed on all territory of Akhalkalaki and Ninotsminda regions. Some parts of the road covering were not under repair for decades, and despite the financial assistance that Georgia receives on a regular basis for development of infrastructures, the means for their repair are not allocated. So far means for reconstruction of the basic routes connecting the Samtskhe-Javakheti region and Armenia (the 110 km international highway №S-12 Akhaltsikhe-Akhalkalaki-Armenia), a well as other parts of Georgia (Akhalkalaki-Aspindza-Akhalsikhe-Borzhomi, especially Akhalkalaki-Aspindza part) were not allocated. The only exception is 29 km piece of the highway connecting regional centers Akhalkalaki and Ninotsminda, repaired at the end of 1990s; however, it requires constant service and scheduled repair. Only the UNDP recently considered the question on rehabilitation of the whole road №S-12, and is conduct the development of a technical substantiation and is looking for investors. However, it is necessary to add, that though thanks to UNDP the works on construction of field roads of Samtskhe-Javakheti are started, which led to high-mountainous summer pastures, for over 1.249 thousand dollars, however, the analysis of distribution of those means shows, that Akhalkalaki and to Ninotsminda regions which provide the bulk of agricultural production of all Samtskhe-Javakheti region, especially in the sphere of animal industries, and compose the majority of all population, are allocated with non-comparably smaller amount of means within the framework of that project in comparison with other areas (see. Table 14¹).

Table 14

The means allocated for repair and construction of roads leading to high-mountainous pastures of Samtskhe-Javakheti region, allocated by UNDP (by regions)

Allocation of the means by regions	Sum, in US dollars
Akhalsikhe	315.000
Akhalkalaki	265.000

¹ Samtskhe-Javakheti: Realities and Perspectives. UNDP:Tbilisi, 2004. P.35-46.

Allocation of the means by regions	Sum, in US dollars
Adigen	248.000
Aspindza	236.000
Borjomi	115.000
Ninotsminda	60.000
Information support of the project	10.000
Total	1.249.000

2.2. The role of the Russian military base in the economic structure of Javakhk

The Russian military base is the largest economic aspect in Javakhk region. Its liquidation will have the most serious negative consequences for the social and economic situation in the region, even despite the possible realization of large-scale programs on the economic rehabilitation of the region, planned by the international donor organizations. The number of people, whose income is directly connected with the Russian military base, makes over 10.4% from the general population of Javakhk (6-7.000 people). However, the number of people, the indirect income of which is to some extent connected with the base, is several times higher.

Meantime, the 62nd Russian base has direct and serious influence on the economy of not only Javakhk, but also on whole Samtskhe-Javakheti region. First, more than 1000 people from local population work on the base, the Russian military base is the largest consumer of local products, first of all of agricultural production, promotes development of local trade and business since the most part of salaries of military personnel are spent in the region (as of 2001 the total fund of the salary of 62nd base made approximately 6 million rubles in a month (which is equivalent to about 207 thousand dollars). From 2002 this sum has increased up to 8 million rubles, and now, due to the increase in a monetary contentment of the Russian military men, it is even more. Except for that, the base has also significant indirect influence on the social and economic situation and on the life standard in Javakhk as it enables local population to enjoy the preferential transport communication with Russia and Armenia, the maintenance of base territory and the neighboring buildings with light and heating, children training at the garrison school, using the services of the military hospital etc.¹.

However, after the move of the majority of military men of Armenian nationality from the 62nd base its role in the economic life of Javakhk has considerably decreased.

¹ Antonenko O. Assessment of the Potential Implications of Akhalkalaki Base Closure for the Stability in Southern Georgia. EU Response Capacities // CPN Briefing Paper, August 2001. P.25-26.

2.3. Migration, unemployment and the occupation level of the population

It is necessary to note, that Javakhk has one of the highest parameters on migration and unemployment in Georgia. It is shown both in absolute value, and at a comparison of the basic parameters on migration, unemployment and the occupation level of the population of two regions of Samtskhe-Javakheti - Akhalkalaki and Akhaltsikhe¹.

It is also necessary to note, that the comparison of these parameters after the beginning of "Baku-Tbilisi-Jeyhan" oil pipeline construction works, which passes the territory of Akhaltsikhe region and provides the population with hundreds if not thousand workplaces, in has changed drastically in the present. Especially because a decision was made, within the framework of the oil pipeline maintenance only in Borzhomi and Akhaltsikhe regions, about the additional allocation of about 10 million dollars annually.

According to the surveys conducted by the International Organization for Migration at the end of 2002, 42.7% of surveyed families² in Akhalkalaki region had a member of the family living abroad (44.5% in villages). For comparison, only 17% of the families participated in the survey in Akhaltsikhe region had a member of the family constantly living abroad (20.2% in villages). An overwhelming majority of the migrants, who have left both regions, have done it in order to find a job: 82% of migrants from Akhalkalaki and 80.4% of migrants from Akhaltsikhe region. The others have basically left for getting education, for education and work, or for receiving health care. Figures about the intentions of the population for migration in both areas are even more menacing. However, here again the data on Akhalkalaki and Akhaltsikhe regions are non-comparable. Approximately 62.3% surveyed in Akhalkalaki and 37.3% in Akhaltsikhe region have desire or intention to migrate. The number of people intending to migrate is much more in villages: in Akhalkalaki region 52.7% of surveyed have intention to migrate in addition to 18.2% already having made the decision to migrate. It made up 79.9% of potential migrants from the total number. In the villages of Akhaltsikhe region the number of potential migrants makes up 46.8%. However, IOM explains the considerable number of potential and real migrants from Akhalkalaki region in comparison with Akhaltsikhe region by the fact, that the share of the population able to work (in the age range of 15-65) in Akhalkalaki region, with the absolute prevalence of the Armenian population, is 8.2% higher than in Akhaltsikhe region.³ Though according to data of IOM the migration has basically economic motivation - the majority of migrants plan to leave for seasonal work, and only 26.6% and 8.5% from migrants correspondingly from Akhalkalaki and

¹ The situation in Ninotsminda region is similar to a situation in Akhalkalaki region in general.

² Meaning both in the regional center Akhalkalaki, and in the villages of the region.

³ This fact is explained by traditionally high birth rate among the Armenian population of Georgia in comparison with Georgian.

Akhalsikhe regions plan to leave for a constant living, nevertheless, it is obvious, that this fact can seriously affect the demographic structure of Javakhhk in the future¹.

The rate of unemployment in Akhalkalaki region is approximately 51.3% whereas in Akhalsikhe this figure at the end of 2002 (prior to the beginning of construction works of the oil pipeline) is approximately 33.4%. Approximately 75-80% of the unemployed in both areas could not find any work, and 10-15% of surveyed could not find any job matching their profession (in cities this figure is higher). Taking into account, that on the average their unemployment lasts approximately 7-8 years, it is possible to note that their professional skills have become obsolete or do not correspond to present requirements, and, hence, they need retraining or reception of a new specialization.

Regarding the structure of employment of the population, the level of urban population doing business, is much higher in Akhalkalaki. At the same time, dependence of the population of Akhalkalaki region on agriculture as the main source of the income makes 48.2% (13% in town), that considerably differs from Akhalsikhe region, where this figure makes only 25.1% (1.4% in town)².

2.4. The role of non-governmental organizations (NGO) in public, political, social, and economic life of the region

Local non-governmental organizations (NGOs) In Javakhhk have rather short history, are not advanced and not numerous in comparison with the neighboring areas of Samtskhe-Javakheti – Aspindza, Adigen, and especially Akhalsikhe. By the data of UNDP of 2004, there are 236 registered NGOs in Samtskhe-Javakheti region, 96 of them in Akhalsikhe region, 34 in Adigen region, 21 in Aspindza region, 42 in Borzhomi, and only 32 in Akhalkalaki region and 11 in Ninotsminda region³. At the same time, according to the data of the Georgian National Democratic Institute of International Relations, by the beginning of 2003 there were only 11 registered NGOs in Javakhhk, including 7 in Akhalkalaki and 4 in Ninotsminda region⁴. Meanwhile, other sources show other figures on the number of NGOs in the region: according to the data of “Akhalkalaki Business Center”, there are about 7 NGOs registered in rural settlements of Akhalkalaki region. The most active and to some degree the most influential NGOs in Akhalkalaki are “Akhalkalaki Business Center” and “Center of the Reforms Support and Democratic Development.” The first of these NGOs has been founded in December 2002 and is financed mainly by the “Open Society Institute - Soros Fund” (Open Society Georgia Foundation - OSGF). It is engaged in consultations in the matters of business planning and has close contacts with such organizations, as World

¹ Economic Capacity Building Project Samtskhe – Javakheti. Mid-term Report // IOM: Tbilisi, November 2002. P.6-9.

² Economic Capacity Building Project Samtskhe – Javakheti. Mid-term Report // IOM: Tbilisi, November 2002. P.6-9.

³ Samtskhe-Javakheti: Realities and Perspectives. UNDP:Tbilisi, 2004. P.53.

⁴ For more detail see: Guidebook for Local Council Members Elected in 2002. National Democratic Institute for International Affairs, NDI: Tbilisi, 2003.

Vision and International Orthodox Christian Charities. By now it realizes two basic projects: first of them, financed by OSGF, has an objective of small and middle-size business development in the region, and the second, titled “Democratization of the Education System and Financial Transparency” is financed by USAID¹.

The “Center of the Reforms Support and Democratic Development” was founded in 1997. The head of the Center A. Yesayan has a significant experience of working with various funds and donor organizations, and he is working on the project of the “The Center of Legal Consultation” in cooperation with the “Union of Meskh-Democrats,” operating in Akhaltsikhe. This project is a part of the OSCE's “Conflict Prevention and Integration Programme for Javakheti.” A. Yesayan actively cooperates with such well-known Georgian analytical and non-governmental center, as the “Caucasian Institute for Peace, Democracy and Development,” (CIPDD) and with the “South Caucasus Institute of Regional Security.” (SCIRS) Among the other NGOs of Akhalkalaki region it is necessary to note also the “Social and Economic Development of Akhalkalaki region,” headed by A.Palandjyan.

The first NGO In Ninotsminda has been founded in 1997 by the initiative of Albertine Smit and O.Ginosyan as a part of the greater project implemented and financed by UNV (United Nations Volunteers) organization. Daughter of Ginosyan – Naira, is the head of an NGO dealing with the problems of women "Paros," which is also founded in 1997 with the means of OSGF. "Paros" has opened a kindergarten and a computer center in Ninostminda. That organization also carries out various sorts of trainings and courses for women both in Akhalkalaki (since 2003 financed by UNV), and in Ninotsminda (from 2002 financed in the framework of Georgia Governance and Civil Society Project - GOCISP). With the efforts of A.Smit and O.Ginosyan the telecasting in Ninotsminda had been restored as well– particularly "Parvana-TV," financed by the Danish government. From 2003, within the framework of OSCE Conflict Prevention and Integration Programme and in cooperation with the “Internews” news agency, "Parvana-TV" started the translation of simultaneous interpretation in Armenian language of the two Georgian news programs: news program "Moambe" of the First channel of the Georgian TV and "Kirieri" channel of "Rustavi-2." As a part of the same project, Akhalkalaki independent broadcasting company "ATV-12" also broadcasts the simultaneous interpretation of the same news for the population of Akhalkalaki.

Another local organization, worthy to mentions, distinguished from all the others, is the “Society of Dukhobors” and agricultural cooperative "Dukhoborets," functioning in Gorelovka settlement and uniting the Dukhobors of all Ninotsminda region. According to their leaders, this Society has been founded from the very beginning of occurrence of Dukhobors in Javakhk in 1841-1843. Currently, the organization is engaged in the matters

¹ Wheatley J. Obstacles Impeding the Regional Integration of the Javakheti Region of Georgia // ECMI Working Paper №22, Flensburg, September 2004. P.20-21

of culture and education, and the issues regarding the migration of the population and financial support of the Community members. They receive a certain amount of financial help from the embassy of the Russian Federation in Georgia, which promotes to the reception of textbooks, the organization of excursions of some pupils to Moscow etc.¹.

Among the registered NGOs and the Public initiative groups (PIG) of Javakheti majority is functioning in the Ahalkalaki and Ninotsminda. Six small registered NGOs operate in the villages Khospio, Abul, Olaver, Baralet, Gogashen, and Apnia in Ahalkalaki region. All of them receive grants from Horizonti Foundation, mainly for such small projects, as the repair of separate parts of roads, schools, and water supply. NGO "GEA" in Khospio has also received a small grant from CHF International. 12 unregistered Public initiative groups have been founded by Mercy Corps within the framework of the extensive public program, conducted by Mercy Corps in East Georgia. Ten of these PIGs operate at a level of villages, and 2 at a level of Sakrebulo – local administrative bodies. They are founded in the villages of Kogio, Alastan, Varevan and Kodolar in Akhalkalaki region, and Dzhigrashen, Metz Gondura, Pokr Gondura, Dilif, Mamzara and Kupalis in Ninotsminda region. In Alastan and Gondura PIGs are founded on the level of Sakrebulo.

Among the Georgian organizations, which are basically engaged in social and political activities in the region, the most active is, as was already mentioned above, the “Caucasian Institute for Peace, Democracy and Development” (CIPDD), headed by Gia Nodia. CIPDD works in Javakheti for a long time already and its activities are basically concentrated in the following spheres:

- Research of the social, economic and political situation in the region;
- Preparation of the reports and political papers for such international organizations, as OSCE and UNDP, for “assisting them in a choice of their priorities for their policies”;
- Monitoring of conflict potential in Javakheti for the OSCE High Commissioner on the National Minorities Affairs;
- Organization of various round tables and discussions with participation of the representatives from Georgia, Javakheti, etc.

CIPDD works in close collaboration with the Georgian governmental bodies both on central, and at a provincial level, and as it is considered, has big influence on the development of the general policy of the Georgian authorities in relation to Javakheti. This institute maintains close connections with the number of the European and American analytical centers, including the Central Asia – Caucasus Institute at Johns Hopkins University and other research organizations.

The “South Caucasus Institute of Regional Security” (SCIRS) also tries to coordinate its functioning in Javakheti and to found a kind of an analytical center (“think tank”),

¹ Krindach A. The fighters for spirit from Javakheti // the Independent Newspaper – Religions, 14.11.2001.

as well as a public forum in which various public and political groups and associations from Tbilisi, other parts of Georgia, and from Samtskhe-Javakheti could take part.

There are also several Armenian public and political organizations and associations in the region since the beginning of 1990s among which the movement Javakhk is worthy to mention, whose peak of activity was in the first half of 1990s. After coming to power of Zviad Gamsakhurdia, Javakhk was actually out of Tbilisi jurisdictions. The population of the region, opposing the nationalist policy of the center, refused to accept the prefects – Georgians by nationality appointed from the capital. The vacuum of authority was filled by the Temporary Council of Representatives, involving 24 people, elected from 64 delegates from all the villages of Akhalkalaki region and 8 – from Akhalkalaki. The presidium of the Council became the executive body, which had 7 members (1 Georgian, 6 Armenians), which existed till November 15, 1991 and dissolved after an Armenian was appointed as the prefect. The passive protest against the central authorities was expressed in refusal of Armenian recruits to serve in the army of Georgia in 1992-1995. Hence, the national-social movement "Javakhk" became the leading political force in the region, which was created 1988 in the city of Akhalkalaki with the purpose of preservation of the Armenian cultural heritage, language, studying of the history of Armenia at local schools, protection of national institutes, as well as for social and economic development of the region. From the very beginning there were Russian, Georgians, and Greeks in its leadership. Henceforth, "Javakhk" movement, together with the number of other organizations, such as the Democratic Union, "Sacred Cross," "Union of Greens," functioning on the territory of Akhalkalaki region, and two organizations from Ninotsminda region – "Society of Friends of Armenia" and "The Voice of Javakhk," have formed a Coordination council of social and political organizations and movements of Javakhk. The movement united approximately 10 thousand people, 5 thousand of which were officially registered as the members.

In summer of 1995 the Coordination Council has addressed to President E. Shevarnadze with the request to grant the region "the constitutional right of political self-government within the unified Federal Republic of Georgia." It was mentioned in the address, that all Armenian population of Javakhk supports that request¹. It is necessary to note, that the address has been published during the discussion of the new Constitution of the Republic of Georgia, and the central authority was considering the option of federal structure of the state as one of the possible for the resolution of the problems with Abkhazia and South Osetia. However, the reaction to the address of the Coordination Council has followed only at a level of local administration, which hesitated that the all population of the region had supported the address. Later in 1996 one of "Javakhk" leaders David Rstakyan has declared, that the best guarantee of protection of the rights of the Armenian national minority in Georgia could be the article in the Constitution about the "cultural

¹ Free Georgia, 01.08.1995.

autonomy” and the recognition of the status of a subject of the future Georgian Federation for Javakhk¹. The issue of the status of Javakhk has been raised during the pre-election campaigns of 1995-2000, as well as during the promotion in 1997 of the legislative initiative concerning the unconstitutional association of Meskheta and Javakhk in a united region of Samtskhe-Javakheti.

The request for granting Javakhk with autonomy within Georgia has been put forward by “Virk” party as well (translating from ancient Armenian – "Georgia"). The party was created on January 29, 1999 in the city of Akhalkalaki, and by the opinion of the organizers of the founding congress, the party should unite not only Javakheti Armenians, but also of all Georgia. D.Rstakian and F.Torosian were elected as co-chairmen of the organizing committee of the party. However, due to legislative limitations for the regional political initiatives and party construction in Georgia – according to the law of 1997 a party cannot be created on a regional or territorial basis – “Virk” was not registered in the Ministry of Justice of Georgia, which, nevertheless, has not limited the agitation activities of this structure. As a whole, the formation of "Virk" was accepted without special enthusiasm among the authorities of Georgia as it could create precedents and cause the increase in political activity of the national minorities.

Among the present Armenian public organizations in the region it is necessary also to distinguish the news agency A-info (www.a-info.org), which is basically engaged in covering of the events in Javakhk and concerning it.

2.5. The main International Donor-Organizations, Effectiveness of their activities

During the last 8 years United Nations Volunteers (UNV) have financed and implemented the great number of projects. Starting 2003, UNV works all over the region, and the majority of the projects was implemented in the Ninitsmindov district.

Another Community development project Samtskhe-Javakheti – Horizonti, financed by OSGF has been implemented since 2001 and it aims at developing regions and the relations between local authorities (sakrebulo) and local population. The maximum of amount for each village is \$15.000. As a result of activities, the NGO's have been founded and registered in the villages Khospia, Abyl, Olaver, Baralet, Gogasheni and Apnia. It's important to mention that in two out of these 6 villages (Gogasheni and Apnia), the main population is Georgians, two others (Khospia and Baralet) have mixed Armenian-Georgian population and the rest two consists of Armenian population. Three of six managers in those villages, which financed by Horizonti NGO, are ethnic Georgians, one is Greek, and the rest two are Armenians. Per Western experts' opinion, the discriminative and dishonest approach was adopted while proving financial support to the parts with majority of Armenian population. Besides, the representatives of Armenian villages' noted ob-

¹ Guretski V. The Question of Javakheti, *Caucasian Regional Studies*, Vol. III (1), 1998. P.8-9, 14.

vious discrimination of the Armenian population in the Georgian parts. Based on the result of 2002, the implementation of the projects by Horizonti and Open Society Georgia Foundation-OSGF all over the region was more than \$200.000, in compare to only \$14.000 being paid to Armenian community of Akhalkalak region (for the reconstruction of road Goman-Olaverd). International funds and organizations, managerial structures and representations presented in Smtskhe-Javakheti region are managed by Georgian people (from Tbilisi and other regions) and they are obviously utilizing discriminative line in dividing financial resources, in realization of different development programs etc., not only against Javakhk (Akhalkalak and Ninitsmindov districts), but also in other regions. Despite the fact that Georgian villages are fewer in Akhalkhalak region, the most of financial resources and humanitarian aid are granted to them.

Another organization Mercy Corps is implementing financing projects in the frame of USAID and sponsoring the program East Georgia Community Mobilization Initiative starting September 2000.

UNDP is implementing its program Samtskhe-Javakheti Integrated Development Program (SJIDP) since 2003. In 2003, UNDP launched its office in Akhalkalak and is the only international organization representation in Javakhk except European Center for Minority Issues (ECMI). In case of success, the future activities of UNDP in the frame of IDP should become Samtskhe-Javakheti Regional Infrastructure Rehabilitation Project (RIRP). The aim is development and rehabilitation of infrastructure as well as of the regional social-economic situation, and elimination of isolation of the region from the most of Georgia.

The project RIRP is working from 2003, for 36-month period and foreseeing the budget of \$3.700.000. the SJIDP total budget is \$4.757.000 for 5 years.

Another project that could be mentioned was DFID financed Georgia Governance and Civil Society Project (GOCISP) being active since 2000 till 2002. The aim of the GOCISP is organization of different information based seminars in local management and electoral policy. The OSCE's Conflict Prevention and Integration Program is a new long-term and comprehensive project. Despite that, the program aims at providing Georgian language course for Armenian employees in governmental offices, which founded in 2002 and the course began in October of the same year. In the frame of this project, Georgian language has been taught to the students of Akhalkalak branch of Tbilisi State University. The next part of the project is News re-broadcasting in the Minority Language Project, stipulating the broadcasting of news of Georgian TV programs with Armenian interpretation. In the frame of this project is predetermined opening of the Center of Juridical Consultation in Akhalkalak and Center of Supporting Reforms and Democratic Development.

TASIC is an active program in South Caucasus, and is implementing over 150 different projects in Georgia during last 10 years (1991-2001), with the totaling amount of 50 mln euro. There is no other project that have been accomplished in Javakhk and this in

the condition that TASIC granted about 6 mln euro for Georgian agriculture and over 6.2 mln euro – for energetic expenses, etc.

Another project that could be mentioned was DFID financed Georgia Governance and Civil Society Project (GOCISP) in the process from 2000 to 2002. The aim of GOCISP is organization of different information based seminars in local management and electoral policy. The OSCE's Conflict Prevention and Integration Program is a new long-term and comprehensive project. Despite, the program dated from 2003, one of its main parts is Georgian language course for Armenian employees in government offices, which founded in 2002 and the course began in October of the same year. In the frame of this project Georgian language has been taught for the students of Akhalkalak branch of Tbilisi State University. The next part of the project is News Re-Broadcasting in the Minority Language Project, Georgia, which is stipulating the broadcasting of news of Georgian TV programs with Armenian interpretation. In the frame of this project is stipulated opening of the Center of Juridical Consultation in Akhalkalak and Center of Supporting Reforms and Democratic Development.

Another international donor-organization working at Javakheti is the International Orthodox Christian Charities (IOCC). The IOCC is implementing two programs: the humanitarian aid (food for school children) and development of small business (organization of trainings). At the end of 2003, the IOCC interrupted its activities in Javakheti, in spite of still being active in Akhaltskha. Besides that, Eurasia Foundation, Oxfam Georgia, and World Vision are implementing small-scale projects, financed by European Initiative for Human Rights and Good Governance and operating in Samtskhe-Javakheti.

Nevertheless, as mentioned by Western experts, Javakheti population is ignored by the international community, particularly in comparison with Akhaltskha and or other districts in Samkhe-javakheti region (Borjomi, Adigei and Aspindze). Besides that, only few organizations have their representations in Javakhk. According to witness reports, local NGO's in Javakhk, also the administration of Akhaltskha and Ninotsmendi regions there is no a real advantage even from this small donor programs, except information projects, etc.

Particularly, at the end of 1990, Georgia received considerable financial resources for credit program to support Agriculture. Most over, 165 credit unions have been founded in Georgia thanks to World Bank and International Fund sources. In addition, five this kind of unions founded in the frame of TASIC program. The Georgian agricultural development project was approved by World Bank in March 1997. The total financing in the frame of the project was \$26.3 mln, \$15 mln of which assigned by World Bank, \$6 mln – International Fund for agricultural development, and \$5.3 mln – Georgian Government and local banks. Four main points of resource realization has been foreseen as follows:

- Granting of production credits for private companies (12 mln);
- Development of credit unions to support farmers (7.5 mln);

- Registration of the land in Gardaban and Mtskheta regions;
- Implementation of the research projects and consultations.

Although, there is no any information about foundation of this kind of credit unions in Javakheti.

Another problem is connected with NGO and International activities in Javakheti and corruption within donor organizations. As this problem is common thought Georgia, in Javakheti the donor organizations are working via their representations in Tbilisi and Akhaltskha, which are paying less attention to the projects in Javakheti. They are demanding compensations and bribes. The only organization that implements different economic projects is UNDP. The case is not that Akhaltskha is the administrative center of Samtskhe-Javakheti and all representations of international donor-organizations should be there, but there are many other donor-organizations and representations of these organizations in the other regional centers of Samtskhe-Javakheti, except Akhalkalak and Ninotsminda. Besides, only the part of NGO's and International organizations that have offices in Akhaltskha, are implementing projects directed to integration in Javakheti and economic development in the region and in most cases it is staying in Akhaltskha.

It may be stated, that the large-scale projects, implementing by International organizations do not reach Javakheti. In comparison with other regions of Georgia, this region is ignored by International donor-organizations, even given the fact of increased financial aid to all country. Granting programs do not have real influence to develop the social-economic situation in Javakheti, but only contributed to the growth of corruption within local officials and their dependence of the public-political organizations, because all these organizations are situating in Tbilisi the regional offices have lost their independence and self-confident.

2.6. Situation in the educational area

There are 253 schools in Samtskhe-Javakheti region according to the result of 2004 survey (47 primaries, 63 not complete, 143 secondary). There are 36.295 pupils (615 in primary, 3.932 in not full and 31.748 in secondary schools). Teachers in these schools are 4.569 people (also 5 sport schools, 3 boarding schools and 4 colleges). The number of schools is allocated in the regions of Samtskhe-Javakheti as follows: (See table 15):

There are 132 Georgian schools in Samtskhe-Javakheti (15.963 pupils), 104 Armenian schools (17.147 pupils), 4 Russian schools (1.264 pupils), 6 Georgian-Armenian schools (629 pupils), 4 Georgian-Russian schools (1.192 pupils), 2 Russian-Armenian schools (62 pupils) and 1 Georgian-Russian-Armenian school (40 pupils). There are 44 Georgian and 1 Georgian-Armenian school in Adigei region. In Aspindz region there are 21 Georgian schools and 1 Armenian school. In Akhalkalak Region there are 8 Georgian, 56 Armenian, 1 Russian and 3 Georgian-Armenian schools. In Akhaltskha region there are 28 Georgian, 15 Armenian, 1 Georgian-Armenian and 2 Georgian-Russian schools. In

Borjomi region there are 27 Georgian, 3 Armenian, 1 Georgian-Armenian and 2 Georgian-Russian Schools. In Ninotsmindi region there are 4 Georgian, 29 Armenian, 2 Russian-Armenian and 1 Georgian-Russian-Armenian school.

Table 15

Region	Primary Schools	Not complete Schools	Secondary Schools	Total Schools	Number of Teachers	Number of pupils
Adigeia	21	11	13	45	492	3.742
Aspindz	3	7	12	22	386	2.500
Akhalkhalak	3	18	47	68	1.407	11.129
Akhaltskha	8	10	28	46	869	7.943
Borjomi	11	8	14	33	628	5.139
Ninatsmindi	1	9	29	39	787	5.842
Total	47	63	143	253	4.569	36.295

In the territory of the 62nd military base there is also a Russian school. Besides serviceman and civic children a great number of Armenian children from Akhalkalak, who's parents have Russian citizenship are studying at this school.

Furthermore, in Samtskhe-Javakheti there are 3 state and 2 private higher educational institutions. In 2002, in Akhalkalak the Javakheti branch of Tbilisi State University has been founded. Currently, there are 300 students studying there and, the education is in Georgian language, where approximately 20 professors are working. Only the half of the student body is from Akhalkalak or Ninotsmindi, the rest of them is from other regions of Georgia and Tbilisi. Many people from Javakheti are leaving for Armenia and Russia for better education. The branch opening had neither effect for integration growth for local Armenian population, nor for learning of Georgian language, and the investigated subjects have no practical usage in Javakheti.

The system of material-technical resources of the educational system in Javakheti is weak, the most part of schools are in the accidental state. There is no attention from Georgian Government to Armenian schools. The help is coming mostly from Javakheti people, now living in Russia, also from public organizations of Armenian Diaspora. Armenia is providing with textbooks in Armenian language, fulfilling reconstruction of schools etc., but that is not enough.

In the schools of Javakheti there is a high level of unhygienic situation. Some schools are situated in the buildings built at the beginning of the last century. Georgian Government is providing funds for reconstruction only in fewer Georgian schools, some of them in Akhalkalak region and they do not paying attention to Armenian schools where the student body has to study without no heat. There were cases when the roof of the school has fallen down during the lessons in Armenian school in Akhalkalak region, but

fortunately there were no victims yet. According to the approving of “2002-2005 Social-economic development activity program of Samtskh-Javakheti” by Georgian Government have been planned to reconstruct one Georgian school in the village Baralet, but there is no any talks about 60 Armenian schools in this region.

The teachers of this region are the mostly not protected. Teachers of Georgian language are from different regions of Georgian and they are being paid about 500 lari more than other teachers. This amount is being paid from budget, and in fact, from President’s fund for the development of Georgian language, also from different International funds and donor-organizations. The most of granting programs are aimed at enhancing different courses and educational methods directed towards teaching Georgian language. In comparison with Georgians, Armenian and Russian teachers in Akhalkalak and Ninotsmendi regions are getting about 300 lari a month. A discriminative project is now worked out by Minister of Education of Georgia, according which these all schools will be transformed into Georgian bias education, even national schools. Although the bill is now in the stage of preliminary discussions and it is not passed yet to the corresponding Commission, the parliament of Georgia holds certain consensus on approval in the political circles of the country. At the same time there are some assumptions that a number of changes on national schools of Georgia can be made in the draft.

3. Political situation in Javakhk

3.1. Political situation in Javakhk after power changed

Social-political situation in Javakhk in the after “Rose Revolution” period has been significantly worsened. There is tendency of the purposeful discrimination of the local Armenian population of the region. The colonization of Javakhk by emigrants from Ajaria and other regions of Georgia are reanimated. Significant financial support is planned to be distributed to them. Georgian officials are paying no attention to the obligations before International structures and organizations in protection of national minorities, decentralization and local self-governing. There is no clear position to the necessity of consistent policy on this issue in Georgia. Discussions in social-political spheres of Georgia, and the position of the Georgian political elite allows assuming the absence of intention to mitigate the political course to the Armenian population of Javakhk, even in the case of granting the minimal level of self-governing through it’s envisaged obligations placed on Georgia by itself.

Akhalkalaki is now the only place in Georgia that has Gendarmerie (police) from 2004. After moving the forces of the Ministry of Internal Affairs under the subordination of Ministry of Defense of Georgia, all their functions should be done by Gendarmerie. There are no strategically important objects in Akhalkalak region, the protection of which needs the presence of such forces in the region. In reply to the contraction of the autho-

rities Akhalkalak region for stationing of Gendarmerie, officials stated that Gendarmerie is stationed “according to the request and for the security of local population”. Recruitment to Gendarmerie is carried out from the local Armenian Population. It’s clear that in the future all military persons of the Armenian nationality in Gendarmerie will be replaced with the ethnic Georgians, as it is taking place with the border forces dislocated in Akhalkalak and Ninozminda regions.

Russian forces gave the building and infrastructure of division warehouse of arms of the former 62nd Base located near to Akhalkalaki to the Ministry of Defense of Georgia. Probably in the near future some subdivisions of 22nd mechanization brigade of Akhalkalaki of the Ministry of Defense of Georgia will be re-dislocated in these buildings on a plea of their security and protection. Officers will be fully changed from Armenians in border forces of Georgia in Akhalkalak and Ninozminda regions. The passport control on the Georgian-Armenian border units should be strengthened and the passport control will be toughened. The employees of Custom offices should be changed from Armenians to Georgians.

All official structures are moving from Ninozminda and Akhalkalakh regions to Akhaltskha. The administration of Samtskhe-Javakheti consists from Georgians despite of the majority being Armenians. There is only one deputy of the Governor of Samtskhe-Javakheti is Armenian area, but his duties are just formal. On September 6 2004, the collision between Armenians and region administrative employees of national security in Ninozminda region happened. The employees arrived to the region drunken and began to offend the pride of Armenians. Further, they have made to fill their car with oil free of charge. When the worker of the petrol station refused to serve them they have bit him up. The policemen of Ninozminda region tried to keep them in order but they began to shoot and as a result the Armenian policemen have been bit up and was wounded and moved to the hospital to Ashotsk. The Georgians have been arrested, but after some time were moved to Akhaltskha, and Armenian policemen under pressure refused to make deposition and the incident have been closed.

On October 5 2004, the head of Ninotsmendov region Rafael Arzumanyan (who have been tendered his resignation 10 days ago) have been arrested for exceeding his authorities in giving the plot of land for putting poles of higher voltage of electricity line (Ashotsk-Ninozminda). The same day he has been moved to Akhaltskha, to the administrative center of Samtskhe-Javakheti, where he has been kept under arrest about 24 hours, later he has been released after giving signature about not leaving. The arrest of R. Arzumanyan is the political action, to keep under pressure the Armenian population of Javakhk. However this brought the action of protest in the region, Armenian’s even caught two Georgian friars and discharged them after Arzumanyan’s dismissal. Officials of Georgian decelerated the poles of higher voltage of electricity line (Ashotsk-Ninozminda) is illegal, that’s why the electricity can not be given to Javakhk region. Although there are

some official documents and agreements which are proving the understanding between Presidents of Armenia R. Kocharyan and Georgia E. Shevardnadze about building this poles of higher voltage of electricity line. One of the purposes of the arrest Mr. Arzumanyan, besides, his activities connected with this electricity lines, and political and psychological pressure against Armenian population, also the discontent of Georgian official from the counteraction of former head of Ninozinda region was his disagreement with Georgian officials about plans of building in Ninozinda region the prison also the bases for security as well as the building of orphanage for the children from all over the Georgia. It will make demographical changes through population of the region and will empower ethnic conflicts between Armenians and Georgians. Previously, there were some announcements about disagreements between Ninozinda region administration and some representatives of Georgian churches founded in the North of the region during the last 10 years near to Armenian village Poka, on the bank of the river Parvana that are actively interfered in the questions of local government.

Georgian Government are continuing activities in firing the contradictory distinctions between different political groups in Javakhk. During the presidential period of E. Shevardnadze the former head of Akhalkalak region A.Hambardzumyan had the negative position concerning to the members of opposition N.Burjanadze, Z.Jvania and M.Sahakashvili. Now he is the Consultant of the President of Georgia. This was done to reconsider to the group of Members of Parliaments M.Raisyan, G.Movsesyan against whom A.Hambardzumyan and E.Mkoyan have the enmity. The group of M.Raisyan is now supporter of the Akhalkalak region head A.Eremyan. The attitude of the present Georgia has no difference from the methods of attitude of official Tbilisi the time of E. Shevardnadze. As a result in the Georgia there is no public-political force that could be express the position of Armenian population of Javakhk.

3.2. The military factor in the political situation around Javakhk

The case analysis showing situation development in Samtskhe-Javakheti came to proof that the new Government of Georgia like the old one led by Shevardnadze, continues keeping country in serious geopolitical situation and the source of the regional instability.

Javakhk is in the center of the crossroads and conflicts of interests for all main players of Southern Caucasus – Armenia, Azerbaijan, Russia, Turkey, Iran as well as USA and EU. The situation is being sharpened by the presence of the armies of Russia and USA. The key player in the past was Russia. Despite of the side conversations about Kremlin losing its authority in Caucasus, it does still have some influence in the Georgia. The two military bases in the territory of this country (12th in Batumi and 62nd in Akhalkalaki), energy support, existence of visa system in the case of the high migration to Russia and the chance

of manipulation (from not accepted republics) to destabilize the situation in Georgia, everything comes to proof the influence Russia still has in Georgia. Though, from the unfavorable point of view the development of the regional security situation in Javakhk is still carries the military factor. Removing of 2 military bases from Vaziani and Gudauda in 2000, default of A.Abashidze's regime in Ajaria, incomprehensible situation with subsequent functioning the 12th military base of Batumi, existence of the 62nd base in the places with Armenian population in Akhalkalak have the principal importance for Russia. It should be noted, that not only the status of bases but also further presence of the Russian army on the Georgian territory has not been cleared for a long time. In 1999, during the OSCE summit in Istanbul, Georgia and Russia signed two side agreements about removal of 2 military bases (137th Vazian and 50th Gudauda) from Georgia till 31st of December 2000. As for Batumi and Akhalkalak, sides agreed to start discussion in shortly on "time period and functioning of Russian military objects in Georgia". The question brought some dissensions. The Russian side is decelerated that they need minimum 25 years (at the end the agreed from 9 to 10 years) and Georgians declared – 3 years maximum.

It's necessary to mention that Russian side did everything for lengthening the question of removing bases; the argument was that they couldn't move their army from Georgia without preparing necessary infrastructure for it. Previously Russia announced that they need additional \$500 mln for removing the army. Georgian Government named this amount "Unreal". But before the renovating of a new stage of discussions in 2004, June 22 the Russia Minister of the Force Sergei Ivanov declared the \$300 mln was enough for placing the army on the Russian territory. Its clear that Russia the delaying the removal not because of economic but political purposes. On the other hand, by the evaluation of the Georgian politicians Georgia is now persisting to remove Russian bases from their territory.

It's important to mention that the evaluation of activities of military base 62nd in Javakhk has not only military, but rather more political and moral-psychological meaning. Starting since Soviet times, for the fulfillment of its general function (Protection in the case of Turkish attack) 62nd base has a few people and weak technical sources. During the last years of USSR 147th motor-shooting division, later renamed into 62nd base in Akhalkalak, was one of the strongest parts of Under Caucasus. It had 150 tanks, 197 battle armored vans, and 82 artillery teams over 100mm caliber. But during the next years all this other officially have been passed to Georgia, or sold, and theft. In 1998, there was 41 tanks, 118 battle armored vans, and 61 artillery over 100mm caliber. To 2004, base have included: commander of the base, 409th and 412th motor-shooting battalion, 817th self – propelled artillery brigade 899th separate battalion of connection, 65th separate antitank division, 176th separate reconstruction battalion. The number of the Personnel is not higher then 1500 people. Though, recently many changes have been happened in the organizational structure of the 62nd base, also in the number of people. It is now passed to brigade

structure 3 motor-shooting battalions, self-moving artillery division, etc. The regular quantity is 1785. By 01.08.2004 the number of the personnel was 929 people, and by 22.09.2004 – 979 persons. According to the reports of commander, 62nd base has 41 tanks T-72, 29 ACV BMP-2, 4 ACV BMP-1KSH, 9 ACV BMP-1K, over other units of ББМ, 30 self – propelled artillery 2С3, 22 self – propelled artillery 2С1, 2 motor-packers on the base T-55, 2 IMR on base T-72, 15 SAM complex “Cub”. According to the military reports, the real quantity of the military techniques on the territory of the 62nd base, is much more, but in the worst state.

In the summer 2004, it was unexpected the removal of all Armenian military servicemen serving in this base, in the Russian parts of Northern Caucasus. The most part of Armenian military men is in the poor condition from the aspect of apartment-domestic, in the half-demolished buildings, far from their families, who are living in Akhalkalak. From approximately 800 officers now there are 20 soldiers and officers of Armenian nationality in Akhalkalak. Different evaluations could be given to this unexpected activity of Russian commander, but some Russian sources are admitting that this is the political decision, to do some kind of compliance to Georgia made with the help of USA. Another explanation is the desire of Russian military officials to be sure at keeping control over the situation around their base in the case of all kind changes. In the case, if immediate removal of Russian army from Akhalkalak happens basically. It is natural, that the Armenian soldiers (mainly from Javakhk) should be frustrating the plans of Russians in the given circumstances. About 500 Russian officers are now waiting to replace the Armenians at 102nd Gumri military base, for getting visas from Georgian Government to arrive to Akhalkalak. Hundred and fifty nine (159) from them should finish their military service shortly.

The 62nd base of Akhalkalak could play a very serious role in the case of sharpening the situation in Georgia or debasement of Russian-Georgian relations. Should be noted that in 1990 this base played the serious role in keeping the stability in Javakhk, which was the only safe place all over Georgia. The 12th Russian base played the important role in Batumi – it is worth remembering that only few shoots of Russian soldiers with MLRS rocket system BM-21 “Grad” in 1992, on the Boarder of the Autonomous Republic with Georgia have stopped, the entrance of military parts of former President Z. Gamsakhurdia to Ajaria (but we could not forget, that in April-May 2004 the neutral position of the 12th base sharpened the situation in Ajaria and made the President A.Abashidze to loose his power).

It is important to mention that if the Russian bases leave Akhalkalak, Russia could not stop continuing it's historical responsibility for destiny and safety of Armenian population in this region. Besides historical responsibility in the face of ethnical community that they played the important role, Russia has another responsibility in front Javakhk Armenians, this connected with history and activities of 62nd military base. The reason is that many of Javakhk Armenians (most of the officer families preferred to stay in

Akhalkalak) are the citizens of Russia, as Russian Government did with Western Osetian and Abkhazian Russian citizens, they could not stay indifferent to their destiny, in the case of unfavourable situation. It's not allowable to forget that large number of people from this region left to Russia during last 15 years, and now there are much many Javakhs people with Russian citizenship there, then in Javakhs.

Primordial Armenian population of Javakhs thanks to demographically politics of Russian Empire were trying to strengthen their ownership in Georgia and Southern Caucasus, which was lost at the beginning of 19th century. After that, in 1830 for the protection of new borders of Russia in Caucasus, Javakhs's territory have been inhabited with Western Armenian emigrants, according to this the Armenian element restored in the region. Moreover, it cannot be forget that in any kind of development of the situation around Armenian population, they are Russian citizens and Russia is responsible for their safety.

Akhalkalak military base could be involved in a conflict with far going consequences as for the Armenian population of Javakhs as well as for the whole region.

The first performance assumes that Russia itself using 62nd factor of base could initiate instability, provocation and even conflicts in Javakheti with the participation of Armenian region population. Then "on a plea of protection of local population" the 62nd base would function in another format or would actively be involved in a conflict, or would be transformed in any "peacekeeping forces" called to preserve stability and safety because of having no other forces divorcing Armenians and Georgians. Fortunately, such examples have already taken place in the newest history of post-Soviet Georgia. We can remember the Dagamis agreement of 1992 thanks to which Russian army have gotten the status of peacekeeping forces in South Osetia, legalized the status-quo situation in post Georgian autonomy and deprived Tbilisi to have an influence on it. The status of peacekeeping forces in Javakhs Russians could prolong as long as they want, and the question of 62nd base functioning in Georgia could be cancelled.

Though, another performance of the situation aggravation could arise, where the initiator might be a Georgian side. The matter concerns the solution of the Georgian politicians to bring its army into Javakheti. The Georgian battalion that could be accomplish this operation, would be 22nd mechanized brigade, situated in Akhaltskha (another Georgian forces, also 4 battalions prepared by Americans are concentrated on the boarder of Southern Osetia and Abkhazia). However, the 22nd mechanized brigade is not the best of Georgian forces, which is not good even on the background of the Georgian army (because of the bad condition in the army the commander of the brigade was dismissed) and in comparison with 62nd base it has a few efficiency. Besides that, many Armenians from Akhalkalak and Bogdanovka are serving in 22nd brigade, which would be another problem in some operations.

The conflict between Georgian forces and Armenian population is realistic in case of bringing Georgian army into Akhalkalak. In 1990 for many times they were trying to enter to Akhalkalak but they were meeting armed people from local population. In the past even the security of the former President Z. Gamsakhurdia (who has escaped to Armenia in the result of revolt against him) have been disarmed by the local Armenian population, while passing through Akhalkalak. The last time of intervention endeavor of Georgian forces was in August 12 in 1998. That day, 2 artillery brigades of Georgian army commanded by E. Chochua, with about 200 officers, 9 152-mm howitzer 2A65 and 4 122 howitzer D-30 (this artillery brigades one of the first in the structure of Georgian army entered into Abkhazia in 1992) were bound for military polygon near to mountain Abul, in Akhalkalak, such as to participate in maneuvers together with 62nd Russian base. But as local representative of Akhalkalak administration mentioned they have know nothing about this maneuvers. The Georgians were stopped by armed local people (20-25 people) near to Akhalkalak and they were forced to turn back. As declared the representative of the President G.Baramidze in Samtskhe-Javakheti the incident should bring the aremed conflict between Armenia and Georgia. In August 14, 1998 this question was discussed in hurry during the meeting of Georgian Council of Security. So it is possible that such kind of situation should be happened now. Another aspect could have the influence on the escalation on the situation in Javakheti. As is known, the continuing aggravation of Georgian-Russian relations and the appeals of M.Sahakashvili to the population “to a long and difficult war against Russia” the president signed the declaration about founding reserve military forces. According to Sahakashvili’s words “all Georgian citizens, who have the physical qualities for it, all this reservists will have uniform and in the case of importance they will get arms, which will be kept in the regional police departments”. By the order of the Georgian president the Governmental commission have been organized for creation of military forces from reservists under commanding of the Minister Z.Jvania, It is clear that if in Georgia, in Javakheti region will begin this kind of campaign it will bring to legal militarization of local Georgian population, all weapons will be kept in the regional administrative center of Akhaltskha where the Georgian population is growing day by day.

In this connection, we would like to mention that G. Karkarashvili, the former minister of Georgia (the former lieutenant of Soviet Army, after Georgian independence he immediately became (Division General) and Minister of the Defense) in 1998 in his project of the military reform suggested to shortened the number of the Georgian arm force (10-15 thousand people) as well as the parts which are stationed on the boarder of Georgia and Azerbaijan. According to Karkarashvili’s words instead of 3000 Georgian solders “as Azerbaijan is the friendship country, they could station there only 400-600 people). And vice versa they have suggested increasing the number the Georgian Army on the boarder with Armenia, particularly in Javakheti, where the Akhaltskha brigade is

stationed (2.500) which hardly could reflect the invention of the Armenian Army”. As the Georgian minister of defense mentioned that the officers should be strengthened by the local Georgian population, despite of the great number of Armenian population. That is why the available militarization of local Georgian population in Javakhk will exacerbate the situation for Armenian population of the region and will create the new threatening for their safety.

4. Conclusions

- The moral and psychological situation in Javakhk is incandesced greatly and Armenian population of the region is not contented with politics of Georgian Government and de-basement of social-political situation in the region, which is considered to be a “humanitarian catastrophe”. Besides, the official Yerevan on the background of the new discriminative politics of Georgia in Javakhk could not keep the radical temper between Javakhk Armenians as well as inside of the Armenian community.
- Despite of the absence of public-political desire of Georgians to soften the politics against Armenians of Javakhk, in the questions of decentralization and local governing, in the frame of the Expert-analytical circles of Georgia, also who has the influence on the process of decision making, is expressing the obvious disturbance about this.

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