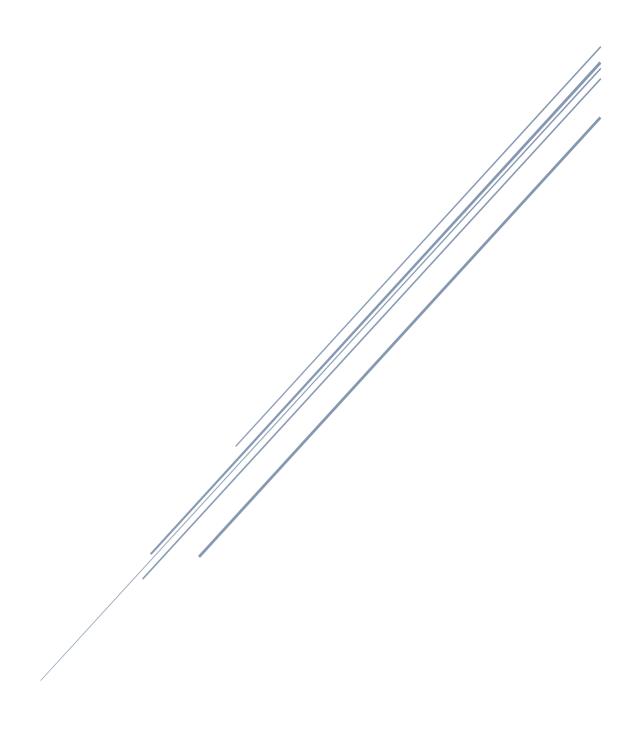
MINORITY RIGHTS AS AN INSTRUMENT OF CONFLICT TRANSFORMATION

Şirin Duygulu and Maria Karapetyan



This paper begins by highlighting some of the policies that have underpinned hierarchies and discrimination in the South Caucasus countries and Turkey. The paper then puts forward the principles upon which policy initiatives could be developed in the interest of promoting inclusive and non-discriminatory societies. Following these principles, the paper outlines policies for respective legal frameworks, the empowerment of minorities through better language policies, and the instigation of positive shifts in the societal discourses. The aim of this paper is to offer possible avenues of transformation of the intergroup relations in the South Caucasus countries and Turkey through recommendations for policy interventions in line with the values advocated by international conventions. The immediate step to be taken in these countries is the implementation of good practices from around the world in terms of minority rights and anti-discrimination context-tailoring them to the local needs. A true transformation of intergroup relations, however, asks for a wide awareness and rethinking of the language used in everyday communications and policy analysis.

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Introduction

In states where equal rights and opportunities are declared for every citizen irrespective of their background, it is still observable that not every citizen enjoys these rights equally or can make use of opportunities through equal effort. Often the patterns of these experiences of advantage/disadvantage and privilege/under-privilege align along race, gender, class, ethnicity, or other categories of difference. In the context of the South Caucasus countries and Turkey, which are the focus of this paper, such categories of difference and resulting hierarchies and discrimination were constructed through the politics of ethnicity in the Soviet and the Republican Turkish periods respectively and continue to be reinforced through the present-day conflation of ethnicity and the state.

This paper begins by highlighting some of the policies that have underpinned these hierarchies and discrimination in the South Caucasus countries and Turkey. The paper then puts forward the principles upon which policy initiatives could be developed in the interest of promoting inclusive and non-discriminatory societies. Following these principles, the paper outlines policies for respective legal frameworks, the empowerment of minorities through better language policies, and the instigation of positive shifts in the societal discourses.

Building on the paper "Ethnic Groups and Conflicts in the South Caucasus and Turkey" co-authored by Abbasov et al. (2016) for the Caucasus Edition, this paper concentrates on the intrastate relations in the South Caucasus countries and Turkey. More specifically, this paper speaks about the Armenian population of the Samtskhe-Javakheti region of Georgia, the Azerbaijani population of the Kvemo Kartli region of Georgia, the Talysh and Lezgin populations of Azerbaijan, the Kurdish population of Turkey, and the Yezidi population of Armenia. These populations are selected as the focus of this paper not only because of compact living but also because of the conflict potential that is often attributed to them. The paper also speaks about other populations such as Assyrians, Tatars, Udins, Tsakhurs, Jews, Ukrainians, and others that do not always live in compact communities; however, the transformation of relations and perceptions related to these groups is also key to rethinking the approaches to groups and groupness in the South Caucasus countries and Turkey.

This paper does not touch upon the on-going territorial conflict contexts (namely the contexts of the Nagorno-Karabakh, Abkhazian-Georgian, and Ossetian-Georgian conflicts) for the mere reason that outlining policies for dealing with equal access to rights and opportunities would be pointless in the contexts of contested jurisdiction. However, it is the hope of the authors that in case of the successful implementation of inclusive and non-discriminatory policies in general, a greater space for the transformation of the territorial conflict contexts can be created as well.

A note on terminology

There is well-developed literature dwelling on the meanings and implications of using particular terminologies in referring to groups that are likely to face discrimination due to ethnic, religious, racial, cultural, gender, and other reasons. The literature also discusses the potential unintended consequences of using vocabulary that classifies humans, such as 'minorities' or 'ethnic groups', as it might lead to the reproduction of the discriminatory practices. The current international human rights framework, however, uses vocabulary such as 'minorities', 'ethnic groups', 'ethnic minorities', and 'national minorities' acknowledging also that there is not a widely accepted agreement on terminology and definitions (Office of the United Nations High Commissioner for Human Rights 2010). This vocabulary is commonly used also on the intrastate level in the South Caucasus countries and Turkey.

The meaning of the word 'national' is particularly contested. While in the international human rights framework 'national' usually refers to citizenship, in the South Caucasus countries and Turkey the word often takes the meaning of 'ethnic'. For instance, the Constitution of Georgia states, "Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging" (Parliament of Georgia 2006). It is ambiguous as to what type of 'national belonging' if not one's citizenship this refers to. With an ethnic coloring given to the use of the words 'nation' and 'national', patterns of exclusion are inevitable and a civic sense of membership to a nationhood is an escaping vision.

There is an entire corpus of charters, declarations, and other documents that have provisions for the states that adhere to these documents to implement adequate measures to achieve full and effective equality among all citizens. Among them are the International Covenant on Civil and Political Rights^a of the United Nations of 1966 (ratified by Armenia, Georgia, Azerbaijan, and Turkey), the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of the United Nations of 1992, the Framework Convention for the Protection of National Minorities^b of the Council of Europe of 1994 (ratified by Armenia, Azerbaijan, Georgia; not ratified or signed by Turkey), the European Charter for Regional or Minority Languages of the Council of Europe of 1998, the Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE) of 1990 and others. Regardless of the particular vocabulary used in these documents and the need to further develop the overarching international frameworks of reference for the protection of group and individual rights, the provisions of these documents in essence providing for inclusive and non-discriminatory societies still need to see their full application in the context of the South Caucasus and Turkey.

Therefore, the aim of this paper is to offer possible avenues of transformation of the intergroup relations in the South Caucasus countries and Turkey through recommendations for policy interventions in line with the values advocated by the above-mentioned conventions. The immediate step to be taken in these countries is the implementation of good practices from around the world in terms of minority rights and anti-discrimination context-tailoring them to the local needs. A true transformation of intergroup relations, however, asks for a wide awareness and rethinking of the language used in everyday communications and policy analysis.

State-building and the emergence of the majority/minority relations

Policies aimed at addressing some of the difficulties experienced by minorities have been initiated with varying success in the South Caucasus countries and Turkey. Some of them are discussed in the paper "Ethnic Groups and Conflicts in the South Caucasus and Turkey" of this publication (Abbasov, et al. 2016). Putting the problems associated with the designs and the implementation of these policies aside, the main reason of an actual negative difference in the lives of the people who identify themselves or are identified by others as minorities is how these groups are perceived and portrayed by the states and the majority populations.

Two main dynamics contribute to the shape of that perception. The first one is related to the state-building processes through which ethnonational-states were established in the South Caucasus and Turkey. As McCrone and Bechhofer put it "[a]ll forms of social identity involve 'othering'; the positioning of a notional other against whom one compares the nature and strength of one's own identity" (McCrone and Benchhofer 2015). Creating a national identity, thus, has involved a process of defining who is and who is not a part of that nation. As a result of the political and social history of both the South Caucasus and Turkey the 'other' did not just include those outside the national borders but also some groups that live within the borders of the state.

Today, the countries in the South Caucasus have varying percentages of ethnic minorities within their borders. In Armenia, they make only 2 percent of the population. The latest population census of 2011 in Armenia asked

a Article 27 of the Covenant states, "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language" (United Nations 1966). In ratifying the Covenant, Turkey has made a reservation to this article stating, "The Republic of Turkey reserves the right to interpret and apply the provisions of Article 27 of the International Covenant on Civil and Political Rights in accordance with the related provisions and rules of the Constitution of the Republic of Turkey and the Treaty of Lausanne of 24 July 1923 and its Appendixes" (United Nations 1966).

b The Convention is a legally binding instrument under international law. However, the word "Framework" highlights the scope for member states to translate the Convention's provisions to their specific country situation through national legislation and appropriate governmental policies (Council of Europe 1995).

to answer the question on ethnicity though choosing from: Armenian 2,961,801, Yezidi 35,308, Russian 11,911, Assyrian 2,769, Kurd 2,162, Ukrainian 1,176, Greek 900, Georgian 617, Persian 476, and other 1,634 (National Statistical Service of the Republic of Armenia 2011).

In Azerbaijan minorities make 8.5 percent of the population^c. The latest population census of 2009 in Azerbaijan reveals the following picture: Azerbaijani 8,172,800, Lezgin 180,300, Armenian 120,300, Russian 119,300, Talysh 112,000, Avar 49,800, Turk 38,000, Tatar 25,900, Tat 25,200, Ukrainian 21,500, Tsakhur 12,300, Udin 3,800, Kryt 4,400, Georgian 9,900, Khinalug 2200, Jew 9,100, Kurd 6,100, and other 9,500 (The State Statistical Committee of the Republic of Azerbaijan 2009).

In Georgia, minorities make up 13 percent of Georgia's population^d. The latest population census of 2014 in Georgia reveals the following picture: Georgian 3,224,564, Azerbaijani 233,024, Armenian 168,102, Russian 26,453, Ossetian 14,385, Yezidi 12,174, Ukrainian 6,034, Kist 5,697, Greek 5,544, Assyrian 2,377, and other 14,346 (National Statistics Office of Georgia 2014).

Since the population censuses after 1965 in Turkey do not include questions about the native language or ethnic self-identification of the people, the ethnic make-up of Turkey is based on estimates by the media or sociologists. The following numbers are suggested to be the approximate indicators of different groups in Turkey: Turk 55,000,000, Kurd 9,600,000, Zaza 3,000,000, Circassian origin 2,500,000, Bosnian 2,000,000, Albanian 500,000-1,300,000, Georgian 1,000,000, Arab 870,000, Roma 700,000, Pomak 600,000, Laz 80,000, Armenian 60,000, Assyrian/Syriac 25,000, Jew 20,000, Greek 15,000 (Milliyet 2008).

The existence of ethnic groups within a country does not automatically turn these groups into minorities. The 'minority' position in the South Caucasus is a consequence of the peculiar state-building processes and the political and social heritage of the Soviet rule. The Soviet ethnonational policy institutionalized the hierarchy of ethnicities, when some received the status of 'titular' in particular entities, while others received a minority status or no status at all. Even though the initial goal was emancipatory, aiming to vest with rights the previously discriminated groups, in practice juxtaposing the societies in such a way politicized the ethnic differences creating a source of othering in the South Caucasus. Once the Soviet rule came to an end, the process of independent state building began, and the nations continued to be defined explicitly or tacitly on ethnic grounds. As Bardin states "the pro-independence aspirations of the South Caucasus countries have given rise to competing ethnic nationalism [...] and have severely affected state and nation building, as well as inter-ethnic relations in the region" (Bardin 2015). Ethnic nationalism, then led to the othering of the peoples whose name did not take part in the formation of the state within these countries and they remained as 'minorities' this time, however, without the overarching Soviet civic identity.

Turkey went through a different path to state building, yet one that similarly resulted in dividing the country into a majority and *de jure* or *de facto* 'minorities'. In the Turkish context, national identity was built on the social legacy of the Ottoman Empire – on an implicitly stated Muslim and explicitly stated Turkish identity. As a result, it created varying degrees of legal and/or social constraints for those who are not Muslim and those who are not ethnically Turkish. Turkey limited the legal definition of 'minorities' (and therefore, extended the legal protection) only to non-Muslim groups and effectively excluded Muslim but ethnically non-Turkish groups from such protection. Articles 37-45 of the Treaty of Lausanne, which marked the foundation of the Republic of Turkey, recognize non-Muslim communities as 'minorities' and guarantees them "the right to use their own language, the right of political and civic equality, the right to establish religious, educational, and social welfare institutions, and the right to freedom of religion, travel, and migration" (Hurewitz 1956) (Toktas and Aras 2009). Yet, this recognition was not enough to protect non-Muslim groups, and the legal and social discrimination these groups faced gradually decreased their numbers over time through assimilation, outmigration, and other means. Today, of Turkey's 80 million people, non-Muslim groups make less than 1 percent of the population (The Economist 2015).

The situation of groups who are Muslim but not ethnically Turkish has been and still is more complicated than those of recognized 'minorities'. The legal structure is based on the principle and the assumption that "[e]veryone bound to the Turkish State through the bond of citizenship is a Turk" (The Grand National Assembly of Turkey

c The official statistics includes ethnic Armenians who live in Nagorno Karabakh.

^d The official census could not be carried out in Abkhazia and Ossetia.

2011) and therefore, citizens of different ethnic backgrounds are considered and treated as Turkish and are legally granted with the same rights as those of Turkish ethnic background are. However, in practice this approach led to the overlooking of the needs and demands of Muslim minorities in Turkey, the biggest of such groups being the Kurds estimated to range from 10 to 23 percent of the entire population (Minority Rights Group International 2015).

What complicates the situation even further is the second dynamic that shapes the perception about groups and groupness in the South Caucasus countries and Turkey; that is the intrastate and interstate conflicts – ongoing, frozen, and potential. The common denominator in these countries in terms of how minorities are perceived is the (visible or invisible, voiced or implied) connection between these groups and conflicts. For instance, the Nagorno-Karabakh conflict took a toll on ethnic Azerbaijanis in Armenia and ethnic Armenians in Azerbaijan and forced them into displacement. The Georgian-Ossetian and Georgian-Abkhazian conflicts similarly displaced hundreds of thousands of people. These conflicts instigate the fear of the majorities that secessionist movements might spread to other minorities, and this in turn affects the attitudes towards them.

Not only the conflicts within these countries, but the ongoing and potential conflicts in the broader region also affect the perception of minorities within the society. The position and daily experiences of Armenians and Greeks in Turkey fluctuated over time based on the relations between the Republic of Turkey with the Republic of Armenia and with the Hellenic Republic. The perception about Kurds, on the other hand, reflects the concerns about the territorial integrity not just of Turkey but also of Iraq, Iran, and Syria. The perception of the Azerbaijani state about Lezgins as a "potential risk group" who can "become a 'weapon' in the hands of ill-intentioned external forces" is similarly closely related to the politics of the broader region with the Republic of Dagestan of the neighboring Russian Federation (Abbasov, et al. 2016).

Therefore, not just the repercussions of the state-building processes but also the connection between the conflicts these countries face or fear and the perceptions about the actual or potential role that minorities might play in them make it difficult for the needs of these groups to be effectively addressed. For that reason, addressing the problems of minority groups can only be done by developing mechanisms that would disassociate these groups from the existing and potential conflicts fought in the name of ethnicity in the perceptions of policy makers and the public. This will ameliorate the concerns, fears, and mistrust that individuals from various groups might have towards each other. With such a transformation of intergroup relations, turning the vicious circle into a virtuous one, the conflictual potential will subside and alternative paths of coexistence and conflict transformation for existing conflicts might gain vision and ground.

Guiding principles for policies promoting inclusive societies

Before outlining concrete policies, it would be useful to lay out some general principles upon which policies concerning minorities could be developed in order to create real changes on the ground.

The first principle that needs to guide any policy initiative is the understanding that the transformation from the status of 'minorities' to fully integrated, equally entitled members of the society can only be realized with an appreciation of the complexity of the issue. Mere legal protection on its own cannot solve for example the economic integration problems or, similarly, increased access to economic resources will not automatically bring an end to social discrimination or segregation. Any policy initiative has to be built on an extensive understanding of the multifaceted reasons behind the problems as well as their complex implications and offer ways to address both.

The second principle that needs to be taken into account when building policies is to avoid the 'one size fits all' approach. Each country discussed in this paper has a different ethnic composition. The size of all ethnic groups, the source of the 'otherness' (i.e. whether it has just an ethnic underpinning or it coincides with other differences such as religious), and the history of relations matter in how a particular group is perceived by others and by the state. As a result of this, minorities experience different degrees of inequalities and discrimination. The challenges that Greeks and Armenians face as recognized minorities are not the same as those faced by Kurds who are not recognized as a minority in Turkey. Or the lack of knowledge of the state language presents a challenge for ethnic Azerbaijanis in Georgia and they need to learn the state language to be able to integrate, while in Azerbaijan all

groups have a good command of the state language and the focus needs to be on the protection and preservation of the languages of the minorities (Garcés De Los Fayos 2014).

The experiences of belonging to a group and how this is perceived and treated by the state and society vary not only from group to group, but also from individual to individual. People that belong to the same group might experience fluctuating forms of 'otherness' based on where they live – in urban settings or in rural areas or from one region to another. Similarly, individuals that live in concentrated locales with others from their group have different experiences than those who live in mixed settings. The legal protection (or lack thereof) can be the same for all individuals but what they might be affected by and what they might think should be addressed differs. For instance, land rights would be a priority for someone who lives in a rural area whereas access to the job market might be the most urgent need for someone who lives in a city.

Thus, to be effective, policies should account for these various experiences and should be careful not to treat groups as monolithic blocks. At the same time, the needs and vulnerabilities of one particular group should not be prioritized over the others. On the contrary, policies should be developed with an understanding of these differences so that the needs and the vulnerabilities of some groups are not overlooked or left behind.

The third principle that this paper highlights is the need to involve minorities in the policy-making process itself. Such an approach would make three important contributions to the process. First, listening to the voices of these groups is crucial in better identifying the sources and the implications of the problems at hand. Second, such an involvement, in and of itself, leads to intergroup dialogue which is necessary in overcoming prejudices and hostile attitudes and positively transforming intergroup perceptions. Third, being involved in the policy-making process would create a sense of ownership of the nation among all groups which is important in increasing their willingness and capacity to better integrate with each other.

In addition to these principles, an important aspect of policy making is staying flexible, following advancements in policy analysis and the academic discourse on the topic as well as reevaluating and accommodating the variable and contingent nature of groupness. Most importantly, policies need to be conceived bearing in mind that high levels of groupness maybe more the result of conflicts especially the violent ones than their underlying cause. As Brubaker points out, this will help concentrate analytic attention and policy interventions on the processes through which groupness tends to develop and crystalize and those through which it may subside (Brubaker 2006). This approach will open up avenues of transformation where the current intergroup dynamics in the South Caucasus countries and Turkey will not be viewed as potentially conflictual to be contained and suppressed but as opportunities of transforming perceptions, relations, and actors themselves and creating precedents of transformation for existing conflicts.

Policy initiatives to consider

Based on the principles identified above, there are a number of policies that can help address the needs and vulnerabilities of minorities, while there can be no one policy option that is both useful and feasible in all of the countries and in all contexts within the same country. Therefore, the policies discussed in this section are intended to serve as discussion openers about a few alternative ways to approach the issue with the ultimate goal of disassociating the rights of groups from intrastate and interstate conflicts and contributing to the transformation of intergroup relations.

The policies discussed in this section are categorized into three themes. The first part focuses on potential legal frameworks for political representation and participation. The second part discusses language policies that could empower minorities so that they can actively seek and enjoy the rights they have or demand the ones they are yet to have. The third section then focuses on policies that would help perpetuate the success of the already developed policies and also contribute to the efforts to change the public discourse on the topic.

Creating a legal framework

In contexts of ethnic diversity, it should be a priority to create legal frameworks that (i) guarantee all groups equal access to the opportunities and benefits that the state has to offer and (ii) take necessary measures to compensate

for the social, economic, and political lag that has been experienced by these groups. Therefore, the legal frameworks should both aim to level the playing field and also address the injustices done in the past.

Coming up with legal mechanisms that would guarantee political participation of all groups is an important step to be considered. As discussed in the previous sections, ethnic groups vary in size, geographical distribution, and how they are perceived and treated by the society they live in. These differences should be taken into consideration in order to make political participation a viable option for these groups.

All of the countries discussed here have legal frameworks that provide, albeit limited, legal protection for ethnic minorities. These legal frameworks function both as an opportunity and as an obstacle. They provide an opportunity in that they are a starting point for furthering the protection of minorities. Yet, they also constitute an obstacle toward that end as they allow states to use the existence of these legal frameworks to claim fair treatment of all groups and overlook the specific needs of some of them.

In Armenia, the Constitution prohibits discrimination based on "race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority" (National Assembly of the Republic of Armenia 1995). There is also the Division for Ethnic Minorities and Religious Affairs under the Government Staff that is charged with the responsibility to draft legislation on minorities "in consultation with representatives of minority communities". Yet, "according to a number of surveys, it [the Division] does not always take into consideration the concerns voiced by minority representatives" (Garcés De Los Fayos 2014).

Similarly, the Constitution of the Republic of Azerbaijan indicates that the state guarantees equal protection of citizens regardless of "race, nationality^f, religion, language, sex and origin" and protects the right to receive education in one's native language (Milli Majlis of the Azerbaijan Republic 2009). Yet there is no comprehensive legislation to address the issues of minorities. The Office of the Ombudsman is the only body through which these groups can seek to tackle the problems they face but the reach of that office remains limited. Moreover, the centralized state structure as well as the lack of legislative provisions represent a significant obstacle toward guaranteed political representation of all groups (Garcés De Los Fayos 2014).

The Constitution of Georgia also declares equality irrespective of "national^g, ethnic, religious or linguistic belonging" (Parliament of Georgia 2006). However, as the "Law on Political Unions of Citizens" prohibits political parties to be established on a regional or a territorial basis in an attempt to prevent the development of secessionist movements, the minorities are poorly represented in the political system, especially in senior positions. The situation is a little better when it comes to local councils and municipalities.

A similar approach can be observed in the Turkish legal system. The Constitution guarantees the rights of individuals and the Article 10 states that "[e]veryone is equal before the law without distinction as to language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such grounds" (The Grand National Assembly of Turkey 2011). Article 12 further states that "[e]veryone possesses inherent fundamental rights and freedoms, which are inviolable and inalienable" (The Grand National Assembly of Turkey 2011). Yet, the Constitution limits these rights and principles of equality by stating in the Preamble that "no protection shall be accorded to an activity contrary to Turkish national interests, Turkish existence and the principle of its indivisibility with its State and territory, historical and moral values of Turkishness..." (The Grand National Assembly of Turkey 2011).

e In the Constitution, as well as in other laws and policy documents, the use of the word 'national' (in Armenian 'azgayin') is ambiguous. It is sometimes used in reference to the political nation (e.g. "National Assembly" or "national security") which should include all the citizens of the country. At the same time, it is used in the sense of 'ethnic' as in "development of the national culture and preservation of the national identity of the people of Armenia". As of the writing of this paper, the definition of the term 'national minority' does not exist in the legislative acts of the Republic of Armenia.

f The use of the word 'nationality' (in Azerbaijani 'milli') is ambiguous in the Constitution. It is used both in reference to the political nation (e.g. "Central National Bank") and to something different from it since in the cited phrase it is assumed that the citizens can have varying nationalities and no discrimination is supposed to take place on that basis. As is the case in Armenia, there is no definition of the term 'national minority' in the Azerbaijani legislation.

g The use of the word 'nation' in the Constitution of Georgia was discussed in the section "A further note on terminology" of this paper. Unlike Armenia and Azerbaijan, Georgia has defined 'national minorities' as persons who have Georgian citizenship, are distinct from the dominant part of the population in terms of language, culture and ethnic identity, have lived on Georgian territory for a long time and who live compactly on Georgian territory (The Parliament of Georgia 2005).

Thus, while the basic legal framework that should guarantee legal and political equality exists in each of these countries, there is still significant room for improvement, especially in guaranteeing political representation.

The quota system can ensure that the voices of the minorities are heard, specifically in the case of smaller groups or groups that do not live in compact communities but rather live spread around the country along with other groups. Turks, Tatars, Ukrainians, Georgians, Kurds, Jews, Udins, and Tsakhurs each make less than 1 percent of Azerbaijan's population (Ferrari 2014). The quota system is more useful in addressing the political participation needs of these groups primarily because the demographic structure of these groups makes it extremely difficult for them to get enough votes for a candidate who focuses on their concerns to get elected.

The new quota system introduced in Armenia, as described in the paper by Abbasov et al. (2016), can be a potentially positive step toward that end, but as it is also discussed in that paper, how the four parliamentary seats reserved for minorities will be distributed among them is already a source of tension. Therefore, for the quota systems to serve the function of providing all groups an opportunity to get their voices heard in policy making, they need to be designed in a way that does not create further tension among groups.

One example evaluated as a "good practice" by the Council of Europe and United Nations Human Rights Council (UNHRC) is the electoral law in Slovenia, which "provides for a separate election for a Roma representative in municipalities that have a significant Roma population if, during the general local elections, no Roma representative succeeded in securing enough votes to be elected" (Council of Europe 2000). In the above discussed contexts of Azerbaijan and Armenia, a similar approach can be adopted in guaranteeing political representation of smaller groups. Quotas can be distributed proportionally, reflecting the demographic composition of the locale, but also guaranteeing at least one seat for even the smallest group to make sure that no group is left behind.

Another approach that can be adopted to better the opportunities for political participation of minorities is to create and support advisory and consultative bodies which would give minorities a direct voice in policy making. In order for these bodies to work, they need to have rights and responsibilities clearly defined and they need to be representative of the group in whose name they speak as well as have access to necessary funding (OSCE High Commissioner on National Minorities 1999).

A number of successful examples were initiated in different parts of the world. For instance, in Peru, there is the National Institute for the Development of Andean, Amazonian and Afro-Peruvian Peoples which enjoys a ministerial status. Similarly, a Council of National Minorities was established in Serbia. The Council has competencies in the areas of "culture, education, information and the official use of language and the alphabet" and the ministries are responsible for consulting with the Council when they are developing policies in these areas (United Nations Development Programme 2010).

In Armenia, the Coordinating Council for National and Cultural Organizations of National Minorities operating under the President's Staff composed of twenty-two members (2 from eleven national minority groups) functions as a consultative body responsible for providing recommendations on issues pertaining to minorities. However, "its influence on the decision-making process remains limited" (Garcés De Los Fayos 2014). This is both a function of limited funding and also how the limited funding is distributed. The funding "is allocated to all minorities on an equal basis, irrespective of their size" (Garcés De Los Fayos 2014, 7). Such a distribution creates both questions of fairness and efficiency. Thus, in order for such bodies to function, they should receive adequate funding that is also distributed fairly.

In Azerbaijan, the State Committee for Work with National Minorities and the Consultative Council for National Minorities that used to exist in the past stopped functioning and no institutional structure dealing specifically and on a regular basis with national minorities is left (Ulasiuk 2013). In Georgia, the State Minister for Reconciliation and Civic Equality (previously the State Minister of Conflict Resolution and later State Minister for Reintegration) and the Council of National Minorities under the auspices of the Public Defender of Georgia work to create dialogue, yet their capacity remains limited due to the lack of adequate staff and funding (Garcés De Los Fayos 2014).

Using such bodies as a means for political participation has four potential benefits. First, these bodies provide an opportunity to bring in the voices of minorities into the policy-making processes which improves the chances of properly identifying their needs. Second, rather than assuming these groups as monolithic with one single set of

priorities, incorporating such bodies into the decision-making processes would allow different priorities and demands within the group to find a voice. Such plurality in voices may not be possible by a parliamentary participation of a group through a limited number of representatives. Third, such bodies create an environment for dialogue among different groups and may help overcome prejudices that come from the lack of interaction. Fourth, they provide a better chance for concrete changes in policies in contrast to the symbolic, albeit important, role of parliamentary quotas.

In Turkey, establishing consultative bodies in enhancing the political representation of recognized ethnic minorities would be a step in making sure that their voices are effectively heard at different stages of policy making, especially with regards to evaluating the consequences of policy initiatives for these groups. For Kurds in Turkey neither the quota system nor consultative bodies would necessarily be productive as the size of the Kurdish population is big enough for political representation to take place even in the absence of such measures. Yet, the biggest legal impediment in front of political representation of Kurds is the electoral threshold which is set at 10 percent (Cengiz and Hoffmann 2013). Thus, for Turkey, lowering the threshold would be more important than any other legal measure as a first step toward fair representation of different groups.

To summarize, in order for any of the proposed measures to deliver their intended consequences, they should be supplemented with mechanisms that provide minorities fundamental abilities to take part in politics. According to United Nations Development Programme (UNDP) documents "[a]t the simplest level, voter education and registration initiatives could be made more accessible to minorities. This may entail measures like producing materials in minority languages, hiring minorities to help with voter registration or providing transportation for minorities to enable them to vote securely or if they live remotely. These initiatives could take account of literacy rates of men and women among minority communities and make accommodations if necessary" (United Nations Development Programme 2010). And most importantly, these measures need to be accompanied by shifts is official and public discourses so that the legal frameworks are not perceived by different groups in a state as stepping stones to diverging ideological projects but rather as possessing intrinsic value in their own right.

Empowering groups: the case of non-state languages

While creating the legal frameworks for minorities to voice their concerns and needs is crucial, such frameworks are bound to remain symbolic unless people themselves get empowered to claim and experience equality. This is important because, as discussed above, every state analyzed in this paper has some regulations that provide, albeit imperfect and limited, opportunities for minorities; yet these opportunities are not necessarily taken by these groups because they either are not aware of them or do not feel that it is within their power to pursue them.

One of the obstacles on the way to the benefits that the state has to offer are language barriers. Some minorities have limited opportunities to learn, use, and develop their languages. In some cases, the use of these languages has been perceived as a source of threat by the states and therefore stigmatized if not outlawed. The presidential decree "On the Protection of the Rights and Freedoms and on State support for the Promotion of the Languages and Cultures of National Minorities, Numerically Small Peoples and Ethnic Groups living in the Republic of Azerbaijan" initiated in 1992 was a positive step toward the protection of non-state languages as it not only assigned "the Cabinet of Ministers of the Republic of Azerbaijan, the ministries and organizations of the Republic of Azerbaijan, heads of local executive bodies [...] the mission of the state assistance and government policy in [...] safeguard[ing] and develop[ing] the cultural, linguistic and religious specification of the nations in minority, small numbered peoples and ethnic groups" but also envisioned the creation of philology departments and support for broadcasting in minority languages (Administrative Department of the President of the Republic of Azerbaijan n.d.). However, the political developments that followed stalled the implementation of the decree and led to the adoption of the "Law on the State Language" in 2002 (Minority Rights Group International 2015), which emphasizes the protection of the Azerbaijani language at the expense of other languages and in doing so limits the use of non-state languages in broadcasting and in citizens' interactions with the state.

Article 38 of the Constitution of Georgia also protects the citizens' rights to use "their mother tongue" both in private and in public. However, the same article of the Constitution allows this right as long as it does not oppose "the sovereignty, state structure, territorial integrity or political independence of Georgia" (Parliament of Georgia 2006). This effectively translates into an inconsistent application of the rights and presents a significant challenge for the minorities.

Minorities face similar language problems in Turkey as well. The population census does not take account of ethnic origins, yet research conducted by private entities illustrate that "85 percent of the population in Turkey speaks Turkish as their mother language, and there are other mother languages spoken in Turkey such as Kurdish, Zazaki, Arabic, Armenian and Romaic" (KONDA 2010). Even though the non-Muslim minorities are granted the "right to establish religious, educational and social welfare institutions" by the Treaty of Lausanne, the schools of the minorities have been facing significant difficulties in not just funding, but also in the appointment of teachers (Oran 2004).

The situation is even more dire for groups not recognized as 'ethnic minorities', as for instance the Kurdish language was not allowed even in daily conversations until 1991 (Anter 1992). Kurdish was not allowed to be taught in schools until 2012 and can only be taught as an elective course since then (Aydın and Ozfidan, Perceptions on Mother Tongue (Kurdish) Based Multicultural and Bilingual Education in Turkey 2014). Many steps have been taken as a part of the European Union (EU) membership accession negotiations process, yet those reforms fell short of fully addressing the problems and "multicultural education and bilingual education is still a controversy in Turkey" (Aydın, Literature Based Approaches on Multicultural Education 2013) (Kaya and Aydın 2013).

The policy mechanisms developed in Romania offer one potential model for Georgia. Romania and Georgia have similar ethnic compositions in terms of the percentage of the minorities as well as the geographically concentrated nature of their distribution. In Romania, the "Law on Public Administration" was introduced in 2001, and it led to the amendments to the Constitution in 2003. With these changes the principle that "administrative-territorial units in which a national minority exceeds 20 percent of the population, the language of that minority can be used in both written and oral communication between the local authorities and citizens" was incorporated into the Constitution. While making no changes to the official language of the country, these steps developed mechanisms for the local communities to actively take part in policy making (Wheatley 2006).

In recent years, mostly as a result of international incentives and pressures, there has been a change in the official positions of the states that allowed the teaching of languages other than the state one in schools, the use of those languages in broadcasting and in literature and more. However, these initiatives, while important early steps, cannot fulfill the idea of the protection of minority languages unless followed up by necessary support. For instance, in order for regulations that allow schooling in a non-state language to perform its function, qualified teachers should be trained and provided with quality instructional materials. Similarly, broadcasting in non-state languages should be financially supported so it can have more than a symbolic value. For instance, Lezgin is taught as a second language in schools in Azerbaijan in areas where Lezgins are densely populated, but "teaching resources are scarce. Lezgin textbooks come from Russia and are not adapted to local conditions" (Minority Rights Group International 2015).

One way to turn symbolic steps aimed at protecting the rights of minorities into meaningful changes in the daily experiences of people is to guarantee their effectiveness through using international standards as benchmarks by integrating into the international normative regimes. To this end, signing the European Charter for Regional and Minority Languages would be a step toward that direction. As of the beginning of 2016, Armenia is the only country in the South Caucasus who ratified the Charter; Azerbaijan has signed but has not ratified the Charter, while Georgia and Turkey have not signed the Charter yet (Council of Europe 1998).

Guaranteeing the protection of non-state languages would not address the needs and problems of every minority group, however. For some minorities who have the infrastructure to maintain their native language, the main difficulty they face is the acquisition of the official language of their country. Especially for minorities who live in concentrated areas, the lack of access to learning the official language presents a significant challenge to their ability to integrate into the society and gain access to higher education and jobs outside the rural regions. According to the 2002 census, "Azeris have one of the lowest levels of proficiency in Georgian of any minority group in Georgia (15 percent)" which presents a significant obstacle in front of their integration into the society (Minority Rights Group International 2015). Similarly, a study conducted in the Kvemo Kartli and Samtskhe-Javakheti regions of Georgia reveals that the minorities living in these regions identify "a complete or partial lack of knowledge of the state language" as one of the main problems they experience (Dvali and Badasyan 2014). However, changing the curriculum or sending teachers to the regions would not be enough to overcome these problems. As the aforementioned study revealed the "Georgian language is taught in all schools, however, as respondents point out these programs have not yielded significant results. State Programs – Bilingual teaching

and the volunteer teachers program are ineffective, since Georgian-language teachers do not know the Azeri / Armenian language, making communication between student and teacher difficult..." (Dvali and Badasyan 2014). This insight illustrates the importance of complementing these steps with accessible instructional materials and qualified teachers for both formal and adult education.

In Samtskhe-Javakheti and Kevemo Kartli, it is important to instigate bilingualism and multilingualism (knowledge and use of Georgian as well as Armenian and/or Azerbaijani) even before children enter the formal education system, for example through sponsoring the release of children's cartoons and songs in both languages. This would facilitate the conceptualization of the world through more than one language simultaneously as early on as possible.

Access to higher education is another issue that needs to be addressed when prioritizing the empowerment of minorities. Access to higher education is important for gaining access to social and economic opportunities in a way that promises them upward mobility. One important step toward that goal would be to implement positive discrimination in supporting the minorities' access to higher education. Another potentially positive step could be the initiation of multilingual departments at universities which proved itself to be a useful policy approach in the example of the Serbian-Albanian relations in Serbia (High Commissioner on Minorities, OSCE Mission to Serbia 2015).

In Armenia "teaching of Armenian is obligatory in schools and an entrance exam in Armenian is one of the requirements for entering higher education institutions, except where the language of instruction of a given course is Russian. While Russian is used as the language of instruction in certain schools and universities, other minority languages are less privileged. Throughout the country, only a few schools at the primary and secondary level offer classes for the Assyrian, Kurdish, Yezidi, and Greek languages – the languages that along with Russian have a status of a minority language^h. The number of these classes is usually very limited. A common problem is the lack of qualified teachers and available textbooks. As a result, many minority groups choose to receive their education in Russian" (Garcés De Los Fayos 2014, 8).

In Azerbaijan, since minorities generally have a good command of the state language and/or Russian (which are the languages of instruction in higher education), access to higher education does not present an important challenge. Nevertheless, studying non-state languages themselves at the university level remains a rare opportunity and especially ethnic Georgian students prefer to go to Georgia for studies of their language (European Centre for Minority Issues 2011). A similar problem exists in Turkey for minorities who want to study their languages at the college level.

However, it is important to note that opportunities of higher education do not automatically mean that the minorities would enjoy the benefits that come with such an access. It is equally, potentially even more, important to provide resources for minorities to pursue higher education. For instance, the newly established 1+4 system in Georgia allows the students who belong to minorities to get a one year of instruction of the Georgian language before they begin their bachelor's degree. While it is an important step in the right direction, lack of necessary support systems for these students to stay in higher education presents a problem. In order for the promise of higher education to be realized, several resources such as scholarships, accessible instructional material, housing for students who need to relocate from their hometowns should be introduced.

Changing the discussion in the society

Establishing the legal framework that would guarantee all citizens' equal access to the benefits and opportunities and empowering minorities so that they can actively seek those opportunities need to be supplemented by policies that target mutual perceptions of the majority and minority groups. This is important for facilitating the dialogue between different groups in the society and also for guaranteeing the implementation of legal initiatives.

One such policy could be the initiation and implementation of anti-hate speech laws. Each country analyzed in this paper has a law that addresses hate speech. However, these laws aim at the protection of the state and the majority group and not the protection of any disadvantaged or vulnerable group. In order to develop a hate speech

h It is interesting to note that some representatives of the Assyrian community in Armenia have made a statement to the officials pointing out that they do not accept the concept 'minority language' and prefer instead the expressions 'native language' and 'national language' (Ministry of Education and Science of the Republic of Armenia 2015).

law that adequately protects minorities, there needs to be a meaningful agreement on what constitutes hate speech. Such an agreement can only be reached through dialogue and active participation of the minorities in the process.

Effective implementation of such laws is also necessary. Cleaning textbooks from derogatory language (including the portrayal of minorities as enemies) and tackling the use of such language in the media should be prioritized. Such an implementation cannot be solely done by the state. The civil society must have a major role in monitoring the situation, naming and shaming the violators, offering alternatives. Another direction that the civil society can take up is the raising of awareness of the issue. A fundamental problem with hate speech and the use of derogatory language is that such use is normalized and often does not get noticed by those who use it or those who hear it.

In Turkey, as a part of the EU accession process, using certain derogatory language about minorities was defined as a punishable offense (Taşdemir and Saraçlı 2007). Yet the use of such language is still common not only among the public but also in the political discourseⁱ. In the beginning of the 2000s, a civil society initiative took the lead and evaluated the school books in an attempt to eliminate the use of discriminatory language against the Greeks. Such attempts should be expanded to all forms of discriminatory and derogatory language against all groups.

An important component of eliminating discrimination embedded in the use of language is to actively work towards developing a neutral and inclusive vocabulary for describing membership in a nation. The policies outlined in this paper depart from the premise that the states and the respective governments want to build civic nations where membership to the nation means citizenship, where the adjective derived from the name of the state is applied to all citizens of that nation. For example, in the Armenian language, not having means to name a citizen of Armenia in one word without making a reference to ethnicity limits the ability of developing an inclusive civic nation. Calling someone or oneself 'hay' (the Armenian word for 'Armenian') is a way of evoking their ethnic belonging rather than their citizenship. As a possible solution, the word 'hayastantsi' that is currently used to denote 'an Armenian from Armenia' as opposed to 'an Armenian from the diaspora', can also be used to denote a 'citizen of Armenia' if introduced into the public and official discourses to ensure equal access and membership to a nation for everyone through tangible and intangible expression.

Conclusion

In the various international documents references to national, ethnic, religious, linguistic, and other minorities are in abundance without coming to a consensus over the definition of these terms. On the national level, case in study in the South Caucasus countries and in Turkey, there is an even larger ambiguity in the use and meaning of these terms in official and public discourses. Quite often, these various actors – national (official and public) and international – are talking to each other across divergent paradigms in the meantime conflating notions. In a context of conflictual intergroup relations, this leads not only to ambiguity of terms but also to paranoia about addressing such ambiguity.

In new policy initiatives, there could emerge new formulations and language to accommodate the shift from hierarchical to inclusive societies where shared membership to the nation is secured. In the study of ethnicity and nationhood, there is a tendency to think about diversity as a juxtaposition of internally homogeneous blocks hemmed in boundaries or the tendency to represent the social and cultural world as a multichrome mosaic of monochrome blocks (Brubaker 2006). However, pluralism or diversity can also take more individualized forms, resulting in the erosion of group boundaries and in this case, the bestowment of group rights, within itself, does not address the whole matter of equality.

Tackling nationhood and group rights is a tall order. Tackling these issues in a context where they are entangled with intrastate and interstate conflicts is even a taller one. Yet, it is not an impossible one. On the contrary, it is a necessary one for changing the conversation in the South Caucasus countries and Turkey from conflict perpetuation to conflict transformation. The successful implementation of inclusive and non-discriminatory policies in general will open a greater space for the transformation of the territorial conflict contexts as well. The road in that direction is through developing well-articulated policies that capture and reflect the needs and

i In a television interview in 2014, President Erdoğan said "I was called a Georgian. I apologize for this, but they even said [something] worse: They called me an Armenian." (Taylor 2014).

vulnerabilities of all communities and the degree to which they are shared and develop mechanisms that further the dialogue between all groups rather than antagonizing them.

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Acronyms and Initialisms

EU European Union

OSCE Organization for Security and Cooperation in Europe

Endnotes