

*Conference on the problem of return of deported Ahiska Turks  
Istanbul, January 27, 2007*

**ACTIVITIES OF THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE  
ON ENSURING RETURN OF DEPORTED MESKHETIAN POPULATION**

**Boriss Cilevics**

Member of parliament of the Republic of Latvia

Member of PACE

The Parliamentary Assembly of the Council of Europe (PACE) has consistently paid serious attention to the problem of the Meskhetian (Ahiska) Turks. The issue has been mentioned in a number of resolutions and recommendations adopted by PACE.

A remark on terminology. Since the disputes on the appropriate name for the group in question are visible at both academic and practical level, PACE tends to use in its official documents the wording “deported Meskhetian population”, which indicates the geographic origin of the vulnerable group and is neutral in respect of its ethnic and cultural characteristics.

In its **Resolution 996 (1993) “On population movements between the states of the former Soviet Union”** (rapporteur on the question was D. Atkinson), PACE, in particular, noted: “...during the massive deportations carried out by Stalin between 1941 and 1944, certain ethnic groups of the ex-Soviet Union were violently uprooted from their land. Among them were Poles, Germans, Meskhetians, and Crimean Tatars, whose right to return to their country of origin must be recognised by Russia, Georgia and Ukraine respectively”.

This was the first PACE document to raise the issue of the return of the Meskhetians in principle.

More certain language can be seen in the **Resolution 1059 (1995) “On the humanitarian situation of the refugees and displaced persons in Armenia and Azerbaijan”**:

“10. The Assembly urges:

.....

ii. the Georgian Government to accept the return and resettlement of the Meskhetian Turks, with United Nations assistance, and calls on the United Nations to give special emphasis to the situation of this particularly vulnerable group”.

However, in the **Recommendation 1305 (1996) “On the humanitarian situation of the displaced persons in Georgia”** Meskhetians were not mentioned, this document was focusing on the population displacements as a result of Ossetian and Abkhaz conflicts.

This was the case also with the next documents adopted by PACE – **Resolution 1119 (1997) “On the conflicts in Transcaucasia”** and **Recommendation 1335 (1997) “On the refugees and displaced persons in Transcaucasia”**. However, in the latter case rapporteur Ana Guirado mentioned the Meskhetians in her report:

“10. ...The refugees and displaced persons fall into the following categories (the figures are approximate, but have been confirmed by international humanitarian organisations):

.....

- 50,000 Meshketian Turks from Central Asia, in particular Uzbekistan (who wish to return to Georgia, their country of origin, from where they were deported by Stalin)”.

Formal application of Georgia for the accession to the Council of Europe triggered more concrete and practical approach to the issue. Thus, Terry Davis who is currently the Secretary General of the Council of Europe, but in 1998 was a rapporteur on Georgia’s accession on behalf of the Political Affairs Committee, wrote in his report “*Georgia's application for membership of the Council of Europe*” (Doc. 8275, 2 December 1998):

“10. The Parliamentary Assembly expects Georgia to undertake:

.....  
d. to adopt, within two years after its accession, a law permitting repatriation and integration, including the right to Georgian nationality, for the Meskhetian population deported by the Soviet regime, to begin implementation of this law within three years after its accession and complete repatriation of the Meskhetian population within seven years after its accession”.

.....  
83. ...the problem of the Meskhetian "Turks", deported from Georgia to Siberia and Central Asia in 1944 by Stalin, is a thorny one. These people now number between 200 000 and 300 000 and claim the right to return to their original homes. This right has been officially recognised by President Shevardnadze in a decree, but return has been impeded by bureaucracy and resistance from certain municipalities.

84. Georgia must therefore, without delay, adopt legislation to facilitate the repatriation and integration of the Meskhetian population deported by Stalin, including provisions giving them the right to Georgian citizenship. In this regard, I welcome the fact that the Council of Europe and the OSCE are already addressing this question with a view to helping Georgia find a solution”.

The problem of Meskhetians was mentioned also by the rapporteur on Georgia’s accession on behalf of the Committee on Legal Affairs and Human Rights, Andras Kelemen who mentioned, in particular, that “...the Law on Recognising the Georgian Citizens as Political Victims and the Social Protection of the Repressed does not acknowledge the Meskhetians deported from Georgia in 1944 as being victims of political reprisals. They are deprived of refugee status and at present face a real threat of deportation, being considered as illegal migrants” (Doc. 8296, 12 January 1999).

As a result, the following provision was included into the **Opinion No. 209 (1999) “Georgia’s application for membership of the Council of Europe”**

“10. The Parliamentary Assembly expects Georgia to undertake:

.....  
e. to adopt, within two years after its accession, a legal framework permitting repatriation and integration, including the right to Georgian nationality, for the Meskhetian population deported by the Soviet regime, to consult the Council of Europe about this legal framework before its adoption, to begin the process of repatriation and integration within three years after its accession and complete the process of repatriation of the Meskhetian population within twelve years after its accession”.

After the accession of Georgia, according to the PACE rules, the procedure of monitoring started with the aim to monitor Georgia’s compliance with the obligations and commitments undertaken upon accession. Initially, Lino Diana and Mátyás Eörsi were appointed rapporteurs, then the former left the Assembly and was replaced by Evgeni Kirilov.

In the first documents related to the monitoring adopted in 2001, PACE urged Georgia, in particular, “VIII. to accelerate the work undertaken with the Council of Europe and the UNHCR on the question of the repatriation of the deported Meskhetian population, including ongoing legal expertise of the draft law ‘on repatriation of persons deported from Georgia in the 1940s by the Soviet regime’, with a

view to granting them the same status of rehabilitation as that already given to deportees of other ethnicities who were repatriated to Georgia under the Soviet regime” (**Resolution 1257 (2001) “Honouring of obligations and commitments by Georgia”**), and recommended “...that the Committee of Ministers pursue co-operation with the Georgian authorities, in particular on the following subjects: ...continuation of legal expertise of the draft law ‘on repatriation of persons deported from Georgia in the 1940s by the Soviet regime’” (**Recommendation 1533 (2001) “Honouring of obligations and commitments by Georgia”**).

Corresponding report “**Honouring of obligations and commitments by Georgia**” (Doc. 9191, 13 September 2001) addressed the developments relevant to the obligation in question:

“ii. The Meshketian population

.....  
161. During our May visit the Speaker of Parliament, Mr Zhvania, told us that the commitment related to the granting of Georgian nationality to the Meshketian population – deported from the Meshketian region of Georgia to Siberia and Central Asia in 1944 by Stalin – and their repatriation was not simply a technical matter, but required a political decision by President Shevarnadze and himself. But he said they were ready to work on this matter.

162. It seems that, in any case, only one-third of the approximately 230 000 to 300 000 Meshketians living outside Georgia would wish to return. On the other hand, the Georgian leadership had promised to grant those who lived in Georgia Georgian citizenship; currently, only five out of 107 applicants are now citizens of Georgia.

163. Efforts have been made to implement the recommendations contained in the report of the joint mission to Georgia by experts from the Council of Europe, the OSCE and the UNHCR in July 1999, but they cannot be considered sufficient. A draft law on “repatriation of persons deported from Georgia in the 40’s of the 20<sup>th</sup> century by the Soviet regime” has been prepared by a special state commission, and sent to the Council of Europe for expertise. The experts recognised that many steps had been taken to find a solution to these difficult and complex issues.

164. The Council of Europe should be ready to provide additional legislative assistance to Georgia in this field”.

In 2002, PACE adopted **Recommendation 1570 (2002) “Situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia”**. The rapporteur Ruth-Gaby Vermot-Mangold wrote in her report (Doc. 9480, 4 June 2002):

“14. An unusual problem is that of the “Meskhetian Turks”, earlier deported by Stalin to central Asia in the 1940s. Around 50 000 fled the Fergana valley in the late eighties and now live as refugees in Azerbaijan. Georgia has accepted in principle their right to return but has not yet taken tangible steps in this direction citing its own current refugee problem. This issue has been of particular concern to the Council of Europe which has made it a condition for Georgia’s continued membership.

.....  
89. As to the specific problem of the “Meskhetian Turks”, and their right to return, the Rapporteur notes with concern that the relevant law is still under preparation, and no clear timetable for its adoption by the Parliament is foreseen”.

Two years later, co-rapporteurs on monitoring of Georgia wrote in their report “**Functioning of democratic institutions in Georgia**” (Doc. 10049, 26 January 2004):

“104. Furthermore, the Council of Europe must show itself willing to assist Georgia with other problems:

.....  
- the question of the repatriation of the deported Meskhetian populations”.

In the same year, PACE recalled the Meskhetian problem in its **Recommendation 1667 (2004) “Situation of refugees and displaced persons in the Russian Federation and some other CIS countries”**: “8. Statelessness should be eliminated and, more specifically, the Meskhetians living in the Russian Federation deserve urgent regularisation of their status including their being granted Russian citizenship. In this connection the Assembly recalls the obligations of Georgia towards Meskhetians who wish to return to Georgia on a voluntary basis”.

After stormy political events in Georgia, the question arose about re-considering deadlines for Georgia’s compliance with its obligations and commitments. In their next monitoring report (Doc. 10383, 21 December 2004), the co-rapporteurs highlighted relevant latest developments:

“Repatriation and integration of Meskhetian population

31. (Original deadline: April 2001 for the adoption of the legal framework, April 2002 to begin the process and April 2011 to complete the process). This is clearly one of the most sensitive and difficult issues for the Georgian authorities. In spite of its acceptance of the commitment, the previous government did basically nothing to move ahead in this matter. Moreover, during its rule the Meskhetian issue was a favourite target for some populist politicians, which resulted in the current public reluctance to accept the return of the Meskhetian population. The co-rapporteurs hear and understand the new government’s argument that overcoming the strong public objection to the return will take time, but they also insist that the authorities keep in mind the tragic fate of people who have been so ruthlessly relocated six decades ago and have since been forced to live in extremely precarious conditions.

32. The co-rapporteurs welcome the authorities’ intention to create a special commission with the mandate to estimate the number of families willing to return, start the process of preparation for the repatriation and to reverse the strong public objection against this process. Provided that such a commission will soon begin to work, on the basis of a detailed action plan with concrete objectives and set deadlines, the co-rapporteurs are ready to consider a 2 year extension of the deadline to complete the return process, to 2013. In this context, it should be mentioned that the Committee on Migration, Refugees and Population is currently preparing a report on the plight of the deported Meskhetian population (Rapporteur: Ruth-Gaby Vermot-Mangold, Switzerland, SOC)”.

The co-rapporteurs suggested the following re-wording for the corresponding Georgia’s commitments:

“8. The Assembly, after having consulted the Georgian authorities, sets the following deadlines for the compliance with commitments and obligations and asks Georgia to:

.....  
iii. with regard to the Meskhetian population – create, without any further delay, legal, administrative and political conditions for the start of the process of their repatriation with a view to its completion in the foreseeable future”.

However, this proposal was not agreed by the majority of the PACE members, and finally the adopted **Resolution 1415 (2005) “Honouring of obligations and commitments by Georgia”** contained more concrete points:

“9. The Assembly, after having consulted the Georgian authorities, sets the following deadlines for the compliance with commitments and obligations and asks Georgia to:

.....  
iii. with regard to the Meskhetian population: create, without any further delay, legal, administrative and political conditions for the start of the process of their repatriation with a view to its completion by 2011”.

Besides the monitoring of Georgia, PACE also decided to prepare a special report on the situation of deported Meskhetians, following the motion tabled a group of members in 2002 (“*The plight of the deported Meskhetian population*”, Doc.9510). The rapporteur Ruth-Gaby Vermot-Mangold described the situation with much more details than in any previous PACE paper (see Doc. 10451, 4 February 2005). In particular, she wrote:

“22. International attention on the issue was increased during the negotiations over Georgia's accession to the Council of Europe. The requirements which were imposed on Georgia on that occasion included the adoption, within two years after the accession, of a legal framework permitting repatriation and integration of Meskhetian Turks, including the right to Georgian citizenship, the launch of the repatriation process within three years, and its completion within 12 years. Georgia was admitted to the Council of Europe in 1999. So far it has not complied with the obligations undertaken upon its accession. Also, since 1999 the international attention has considerably subsided with regards to the issue.

23. The problem of the repatriation of Meskhetian Turks has always been viewed with apprehension from the very establishment of the Georgian state both before and after the collapse of the Soviet Union. The Georgian authorities rejected the existing mechanism, which might have facilitated a repatriation, and they did not accede to a treaty on formerly deported people known as the Bishkek agreement signed by the Commonwealth of Independent States in 1992.

24. Since 1993, Georgia has launched some initiatives with regards to the return of Meskhetian Turks. A state agency to handle repatriation was established in 1994, however its activities have been very limited due to lack of funds. In 1996, a presidential decree signed by President Shevardnadze, established a state commission to find a solution to the Meskhetian issue. The commission issued a blueprint that foresaw the repatriation of up to 5000 Meskhetians by 2000. To facilitate the repatriation, the blueprint called for adopting the law, which would "rehabilitate" Meskhetians, paving the way for acquisition of citizenship.

25. However, little progress has been made towards implementation of the principles embodied in the presidential decree. The reluctance of the Georgian authorities to carry out the repatriation process has political, economic and social reasons, which are closely interrelated.

26. The main reason is the fear generated by Georgia's recent history of interethnic strife. Since the dissolution of the Soviet Union, Georgia has experienced two armed conflicts in Abkhazia (1992-1993) and South Ossetia (1990-1992). The multiethnic composition of the Georgian society makes many Georgians worry that the large-scale repatriation of the Muslim Meskhetian Turkish population would potentially threaten with another interethnic struggle. Moreover, the Armenian population, which resides in the region of original settlement, today known as Samtskhe-Javakheti, opposes the repatriation of a large number of Meskhetian Turks.

27. Another reason is economic. Georgia has not recovered yet from the economic turmoil it plunged into after the break-up of the Soviet Union. The economic crisis prevents Georgian authorities from assigning any important financial resources that would obviously be necessary for any successful repatriation and integration. It has to be remembered that the country has a large number of refugees from Abkhazia and South Ossetia as well as other numerous vulnerable groups living in extremely poor conditions.

28. The international community has offered its support to Georgia. Several international organizations, in particular the Council of Europe, the United Nations High Commissioner for Refugees (UNHCR), OSCE High Commissioner on National Minorities, the International Organization for Migration (IOM), the European Centre for Minority Issues (ECMI) and the Federal Union of European Nationalities (FUEN) have become active in gathering information, providing expertise, initiating consultations and seeking solutions to the Meskhetian Turkish issue”.

On the basis of this report, **Resolution 1428 (2005)** “*The situation of the deported Meskhetian population*” in which PACE, in particular,

“ii. calls on the Georgian authorities to:

- a. honour their commitments undertaken upon accession and to create, without any further delay, the legal, administrative and political conditions necessary for the start of the repatriation process of those Meskhetian Turks who wish to return to their native region, with a view to its completion by 2011;
- b. consider the possibility of accession to the Partial Agreement on the Council of Europe Development Bank and to present concrete projects for the financing of the resettlement and integration of the Meskhetian population who wish to return to Georgia;
- c. take into consideration the needs of the Meshketian Turkish population when submitting proposals to the Council of Europe regarding assistance and co-operation programmes”.

A sort of follow-up to this Resolution was a report on **“Refugees and displaced persons in Armenia, Azerbaijan and Georgia”** (Doc. 10835, 6 February 2006). Rapporteur Boriss Cilevics wrote, in particular:

“43. On the question of the return of the Meskhetians, one may usefully refer to Resolution 1428 (2005) recently adopted by the Standing Committee. The resolution is in fact addressed more to the authorities of the Russian Federation than to the Georgian authorities, who have until 2011 to complete the repatriation of those Meskhetians who wish to return. In the course of the visit I was able to ascertain that an ad hoc committee had recently agreed on the measures to be taken to enable this obligation to be fulfilled, and that it was to submit its recommendations to the President in April. The government intends to conduct a campaign to remind Georgian citizens of the contribution made by the Meskhetians to Georgian society and possibly prepare opinion for the return of this forcibly displaced population. The government admits that it does not know the exact number of candidates for repatriation. There are reported to be 756 Meskhetian repatriates in Georgia at present, around 100 of whom have been granted Georgian citizenship. It appears that the most important thing in the eyes of the Meskhetian population is to have the legal possibility of acquiring a citizen status...”.

The most recent relevant report was discussed by PACE in 2006 – **“Implementation of Resolution 1415 (2005) on the honouring of obligations and commitments by Georgia”** (Doc. 10779, 5 January 2006). Co-rapporteurs on behalf of the Monitoring committee wrote:

“3. *‘Meskhetian population: create conditions for the start of the repatriation process’*

.....  
88. In addition to the requirements addressed to Russia, Resolution 1428 called on the Georgian authorities "to create, without any further delay, the legal, administrative and political conditions necessary for the start of the repatriation process of the Meskhetians who wish to return to their native region", stating that the essential principle should be the free choice of those concerned.

89. In our previous report, we encouraged the authorities in their intention to create a special commission with the mandate to estimate the number of families willing to return, start the process of preparation for the repatriation and to reverse the strong public objection against this process. In case the commitment was fulfilled, we were ready to consider a 2 year extension of the deadline to complete the return process, to 2011.

90. The Commission was indeed set up in March 2005 by a Presidential decree. It is chaired by the State Minister for Conflict Resolution Issues, Georgy Khaindrava. At its first meeting, it decided to send a mission to places of residence of Meskhetians in CIS countries, in order to estimate their number. Such a visit took place in October in Azerbaijan, Russia, Kazakhstan, Kyrgyzstan and Uzbekistan. The Commission is also working on the identification of potential areas of relocation in Georgia.

91. It is difficult to imagine, though, that the Georgian authorities would be able to deal with this massive task on their own. Since there are no reliable data on the demographic and social situation of

the Meskhetians, it is important to stress the need for the relevant international organisations to get involved in this estimation.

92. Another Georgian commitment in this respect is the adoption of a law on repatriation of persons deported from Georgia in the 1940s by the Soviet regime. The Georgian authorities have made the fulfilment of this commitment conditional on the creation of appropriate conditions in the country for the return of this population. In February 2005 the relevant Parliamentary Committee started working on the law on repatriation. The Council of Europe, in its recently adopted Action Plan on Georgia, has foreseen to provide assistance in the preparation of a strategy for repatriation and for the adoption of a legal framework.

93. The Union of Georgian Repatriates, whom we met during our November visit, has recently completed a comprehensive database on Meskhetian repatriates in Georgia. The main findings are worth mentioning: as of 1 May 2005, there were 755 Meskhetian repatriates under Georgian jurisdiction, 163 of whom had emigrated. Not all of them had Georgian citizenship: the difficulties were related to bureaucracy in the department of Citizenship in the Ministry of Justice, as well as to obstacles to withdrawing citizenship of the country they came from. The study considers that the integration of the Meskhetians has been successful in several aspects, such as the Georgian language education and the ongoing recovery of their old names. However, the study also reveals that anti-Meskhetian feelings are still an everyday reality, leading to discrimination. There is not enough recognition of the deportation in history schoolbooks and museums”.

On the basis of this report, PACE in its **Resolution 1477 (2006) “Implementation of Resolution 1415 (2005) on the honouring of obligations and commitments by Georgia”** calls on the Georgian authorities to:

“.....

10.3. with regard to the Meskhetian population, pursue the work of the State Commission on the repatriation, seek actively international assistance and speed up the adoption of relevant legislation in order to create conditions for the repatriation process with a view to its completion by 2011; implement fully the recommendations set forth in Assembly Resolution 1428 (2005) on the situation of the deported Meskhetian population”.

This non-exhaustive overview clearly reveals that PACE attaches great importance to implementation of Georgia’s commitments with regard to ensuring repatriation. So far these efforts have not brought substantial success, mainly because of internal political problems in Georgia. In the international context, the problem of Meskhetians’ repatriation is seen as having serious security implications, what makes the issue extremely sensitive, particularly taking into account unresolved and “frozen” conflicts in the region. Nevertheless, PACE considers ensuring the return of deported Meskhetians in practice a major precondition for the development of Georgia as a law-governed state which respects human rights. This is why it will undoubtedly continue using all possibilities to achieve repatriation in dignity and full respect to the rights of deported Meskhetians.