

## An Evaluation of the Role of the Council of Europe (CoE) in the Repatriation Process of Meskhetian/Ahıska Turks

### *Ahıska Türklerinin Ana Vatana Geri Dönüş Sürecinde Avrupa Konseyi'nin Rolü Üzerine Bir Değerlendirme*

Serhat KESKİN<sup>1</sup>

(Sorumlu Yazar-Corresponding Author)



<sup>1</sup> Erzurum Teknik Üniversitesi, Edebiyat Fakültesi, Felsefe Bölümü, Erzurum, Türkiye. serhat.keskin@erzurum.edu.tr

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#### Abstract

This study aims to evaluate the role of the Council of Europe (CoE) in the repatriation process of the Meskhetian/Ahıska Turks to their homeland, Akhaltsikhe (named Samtskhe-Javakheti in Georgian), in modern Georgia. In 1944, Ahıska Turks were deported to Central Asia on the order of Joseph Stalin. Throughout the Soviet era, the attempts of Ahıska Turks to return to their homeland were prevented by the Soviet authorities. After the collapse of the Soviet Union in 1991, the newly independent Georgia did not succeed in organizing the repatriation process due to various reasons, despite the promulgation of several presidential decrees. The conditional membership of Georgia to the CoE in 1999 marked a turning point in the repatriation process of Ahıska Turks, as one of the conditions required Georgia to provide the repatriation of Ahıska Turks. This study argues that while the CoE played an active role in encouraging Georgia to enact the 2007 Repatriation Law, it relatively failed to monitor the implementation of the law and to move Georgia for addressing problems in the repatriation process. This study also claims that, although a very small number of Ahıska Turks have benefited from the repatriation process, the CoE appears to consider Georgia as having successfully completed this process and fulfilled the commitments and obligations it undertook upon joining the Council.

**Keywords:** Meskhetian/Ahıska Turks, Georgia, Deportation, Repatriation, the Council of Europe

#### Öz

Bu çalışma, Ahıska Türklerinin ana vatanları olan günümüz Gürcistan'daki Ahıska'ya (Samtshe-Cavahetya olarak bilinen) geri dönüş sürecinde Avrupa Konseyi'nin rolünü değerlendirmeyi amaçlamaktadır. Ahıska Türkleri 1944 yılında Joseph Stalin'in emriyle Orta Asya'ya sürülmüştür. Sovyet dönemi boyunca Ahıska Türklerinin ana vatanlarına geri dönme girişimleri Sovyet makamları tarafından engellenmiştir. Sovyetler Birliği'nin 1991'de dağılmasından sonra bağımsızlığını yeni kazanan Gürcistan, birçok başkanlık kararnamesi yayınlamasına rağmen çeşitli nedenlerden dolayı geri dönüş sürecini organize etmeyi başaramamıştır. Gürcistan'ın 1999 yılında Avrupa Konseyi'ne şartlı üye olması, Ahıska Türklerinin ana vatana geri dönüş sürecinde bir dönüm noktası olmuş, şartlardan biri Gürcistan'ın Ahıska Türklerinin geri dönüşünü sağlamasını gerektirmiştir. Bu çalışma, Avrupa Konseyi'nin Gürcistan'ı 2007 Geri Dönüş Yasası'nı çıkarmaya teşvik etmede aktif bir rol oynamasına rağmen, yasanın uygulanmasını izlemede ve geri dönüş sürecindeki sorunların giderilmesi için Gürcistan'ı harekete geçirmede nispeten başarısız olduğunu savunmaktadır. Bu çalışma ayrıca, çok az sayıda Ahıska Türkünün geri dönüş sürecinden faydalanmış olmasına rağmen, Avrupa Konseyi'nin Gürcistan'ı bu süreci başarıyla tamamlamış ve Konsey'e katılırken üstlendiği taahhüt ve yükümlülükleri yerine getirmiş olarak gördüğünü iddia etmektedir.

**Anahtar Kelimeler:** Ahıska Türkleri, Gürcistan, Sürgün, Ana vatana Geri Dönüş, Avrupa Konseyi

## Introduction

The Meskhetian/Ahıska Turks<sup>1</sup> are a Turkish-speaking Muslim community that resided in Akhaltsikhe<sup>2</sup> (also known as Samtskhe-Javakheti), which is currently within the borders of modern Georgia. Their homeland came under the rule of the Ottoman Empire in 1578. In 1829, the region became part of the Russian Empire in the Treaty of Adrianople. It was reincorporated into the Ottoman borders in 1918 as a result of the demands of Ahıska Turks, who constituted the majority in the region and asked for the right of self-determination guaranteed in the early years of the Soviet regime. However, it later became part of Soviet Georgia in 1921 when Turkey's eastern border was finalized with the treaties of Moscow and Kars. Ahıska Turks were considered untrustworthy by the Soviet authorities because of their strong attachment to Turkishness and Turkey, leading to exposure to oppressive policies of the Soviet regime since the 1920s (Aydingün and Aydingün, 2014: 40-42; Buntürk, 2007: 178-196).

On November 14, 1944, nearly 100,000 Ahıska Turks were deported from Southern Georgia to Kazakhstan, Kyrgyzstan, and Uzbekistan under the pretext of posing a security threat near the border with Turkey.<sup>3</sup> The deportation journey lasted about six weeks in animal transport wagons, and inhumane conditions caused the deaths of many Ahıska Turks (Avşar and Tunçalp, 1994: 22-23).<sup>4</sup> Those who survived were subjected to a “special settlement regime” in the regions where they were deported. Under the special settlement regime, the Ahıska Turks faced strict control and restrictions, leaving them isolated from their relatives who lived in other settlements. Under this regime, they were deprived of many rights, including travel. Violations of the rules were severely punished (Buntürk, 2007: 223-226). Moreover, the living conditions of the Ahıska Turks during the special settlement regime were so challenging that the death rate was very high, and it was only after five years, in 1949, that the number of births began to exceed the number of deaths (Tolz, 1991: 19).

After the death of Stalin in 1953, Nikita Khrushchev came to power, and he criticized the deportations ordered by Stalin. Khrushchev lifted restrictions on deported communities, abolishing the special settlement regime in 1956. However, the removal of this regime did not provide the right of return for Ahıska Turks. Ahıska Turks, who were not given an autonomous administrative unit in the Soviet administrative structure as opposed to many other minority communities (Kreindler, 1986: 389). The reason was that the Soviet regime did not officially recognize ‘Turks’ as a nationality living in the Soviet Union, which is why they were registered as ‘Azeris’ in 1930s (Yunusov, 2007: 175; Conquest, 1970: 48). Therefore, as will be pointed later, they were not allowed to return to their homeland but encouraged to continue to stay where they were or to migrate to Azerbaijan.

Since 1956, the Ahıska Turks initiated campaigns, formed organizations for repatriation and went to Moscow to demand the right to return officially. However, Soviet authorities denied their return. As a result of ongoing efforts, a decree was issued in 1968 granting the Ahıska Turks the same rights as other Soviet citizens who had been deported. Nevertheless, even the official recognition of their deportation did not allow them the right to return to their original villages and proposed to improve living conditions in the socialist republics where they lived (Buntürk, 2007: 234-237; Khazanov, 1995: 199-200). The political elites in Soviet Georgia were also against the return of Ahıska Turks. What is more, they asserted an official discourse that Ahıska Turks were ethnically Georgian and Orthodox Christians who were forcibly converted to Islam and Turkified under Ottoman rule.<sup>5</sup> In this regard, Soviet Georgia required Ahıska Turks to accept its official discourse to return (Keskin, 2019; Keskin and Gürsoy, 2017; Aydingün and Aydingün, 2014). In different periods after 1956, some of the Ahıska Turks strategically accepted the Georgian discourse to be able to return to their homeland.<sup>6</sup> Nonetheless, many of them, and most of Ahıska Turks- who did not adopt Georgian official discourse and moved to Georgia with their own efforts- were forced to

<sup>1</sup> It is important to note that the term Ahıska Turk is the term, which is used by the Ahıska Turks themselves and Turkey. The term Meskhetian Turk is the term used in the literature. In Georgia, the same group is named Meskhetian, referring to the region where they were living. At times, they are also defined as Muslims deported from Southern Georgia. Their Turkishness is not mentioned in Georgia, although people know they are Turkish. In this article, the term Ahıska Turks is used as it is used by the group itself.

<sup>2</sup> Akhaltsikhe is the name given to the region during the Ottoman period, which includes five rayons/districts in Georgia named in Georgia as Samtskhe-Javakheti, also known as Meskheti-Javakheti. Akhaltsikhe, for Georgians, is the name of one of the five districts that form the Samtskhe-Javakheti.

<sup>3</sup> Existing studies offer a wide range of estimates for the exact number of Ahıska Turks deported in 1944, ranging from 80,000 to 200,000 (Keskin, 2019: 22). Despite variances in the numbers reported in official Soviet documents, the estimated number of deported Ahıska Turks in the official document is around 100,000 (Uravelli, 2011: 8-11).

<sup>4</sup> See (Beyoğlu, 2019).

<sup>5</sup> As an example, see (Polian 2004; Baratashvili 1998; Open Society Institute 1998).

<sup>6</sup> It was not a common strategy in the Ahıska Turk community.

move from the country due to discriminative policies or were expelled.<sup>7</sup>

The reforms introduced by Gorbachev in the Soviet Union starting in 1985 sparked new hope among the Ahıska Turks for a return. However, as mentioned above, Soviet Georgia only allowed some Ahıska Turks to settle in different regions of Georgia except their home villages on the condition that they identified themselves as Muslim Georgians.<sup>8</sup> In addition, the hopes of Ahıska Turks to return were dashed by the events in the Ferghana Valley, Uzbekistan, in 1989. In Ferghana, tensions between the Uzbeks and Ahıska Turks escalated into violent clashes, the causes of which remain uncertain. The conflict ultimately led to the intervention of the Soviet Army and the evacuation of the Ahıska Turks from the region, mainly to the Russian Federation. Following the clashes in other parts of Uzbekistan, most Ahıska Turks were forced to migrate to various regions across the Soviet Union, especially to North Caucasus and Azerbaijan (Aydingün and Aydingün, 2014: 108; Trier et al., 2011: 27). On one side, the Fergana Events caused the Ahıska Turk community, who had already scattered in the republics of the Union, to become more fragmented. On the other side, the Ferghana Events gained prominence internationally, making the Ahıska Turks adopt a more determined stance in their struggle for repatriation. All these drove the Soviet Union to address the repatriation issue of the Ahıska Turks. The law passed on March 7, 1991, granted Ahıska Turks, along with other deported communities, the right to return to their homeland and the opportunity to receive rehabilitation for the material losses suffered during their years of deportation (Bougai, 1996). With the dissolution of the Soviet Union later that same year, the law was rendered obsolete.

After the Soviet regime fell, the newly independent Georgia became responsible for rehabilitating the Ahıska Turks. Despite Georgia issuing several decrees regarding the Ahıska Turks to meet international human rights standards, little has been done in practice for various reasons. However, the conditional membership of Georgia to the CoE in 1999 marked a breakthrough in the struggle of Ahıska Turks to return to their homeland. The CoE obliged Georgia to provide Ahıska Turks' repatriation and demanded a strict timeline from Georgia to prepare the necessary legislative framework and its implementation; thus, waiting for Georgia to uphold its obligation and commitment under the monitoring of the Council. Georgia enacted the Law in 2007 entitled "On the Repatriation of Persons Involuntarily Displaced by the Former USSR from the Georgian SSR (The Soviet Socialist Republic of Georgia) in the 1940's" (hereafter 2007 Repatriation Law). Nonetheless, Ahıska Turks were confronted with many problems during so-called implementation of the Law, resulting in a limited number of Ahıska Turks benefiting from it. According to currently available data, 5841 applications were made, most from Azerbaijan, 1998 applications were accepted and were granted repatriate status, and 494 Ahıska Turks gained conditional citizenship. Any Ahıska Turks having conditional citizenship have not gained Georgian citizenship (Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), 2024a: 18).<sup>9</sup>

This study aims to evaluate the role of the CoE in the repatriation process of Ahıska Turks. To this end, the article is divided into five sections. The first section offers a brief introduction to the study. The second section presents Georgia's policies and legislations for Ahıska Turks' repatriation from 1991-1999 by giving background information on post-Soviet Georgia related to them. The third part of the study, which focuses on Georgia's preparation of the 2007 Repatriation Law, and the fourth part, which examines the implementation of the law, both rely on existing academic studies and accessible reports from the CoE and its monitoring bodies concerning the repatriation of Ahıska Turks. The last section presents an overall analysis of the study.

### **The Policies and Legislation of Georgia regarding the Repatriation of Ahıska Turks (1991–1999)**

The collapse of the Soviet Union in 1991 has brought about political, economic, and social crises in many former Soviet republics. This was also true for the newly independent Georgia, where the totalitarian regime that had ruled for over seventy years gave way to rapid changes. To fill the ideological vacuum caused by the collapse of the Union and gain political legitimacy, Zviad Gamsakhurdia, the first president of Georgia, promoted nationalist policies in Georgia. In his discourse, being ethnically Georgian and Orthodox Christian are inseparable elements of being a "proper Georgian" (Biletska, 2024: 41; Aydingün, 2016). In this context, he reinforced the ethnoreligious nationalism in Georgia, causing discrimination against

<sup>7</sup> For details regarding the attempts of the Ahıska Turks to settle in Georgia and the attitude of authorities in Soviet Georgia towards them, see (Keskin and Anaç, 2016; Üren, 2016; Aydingün and Aydingün, 2014; Trier, Mouravi, and Kilimnik, 2011; Sumbadze, 2007).

<sup>8</sup> One of the reasons behind Georgia's settling Ahıska Turks in different regions was the official discourse that 'the homeland is entire Georgia for all Georgians.'

<sup>9</sup> Unsurprisingly, differences existed in the number of Ahıska Turks who obtained repatriate status and conditional citizenship in previously published official statistics, as the evaluation of approved applications was ongoing. However, while official data showed that seven Ahıska Turks had been granted Georgian citizenship (Keskin, 2019), the updated figures indicated that none had received it.

Ahıska Turks, who are known for their attachment to Turkishness and Islam. Therefore, no progress was made considering the repatriation of Ahıska Turks in Gamsakhurdia's short presidency. Furthermore, many Ahıska Turks who previously came to Georgia had to leave because of rising ethnoreligious nationalism in the country (Keskin, 2019; Aydıngün and Asker, 2012). In addition to the challenges during Gamsakhurdia's presidency, the issue of determining which state was responsible for addressing the repatriation claims emerged shortly after the fall of the Soviet Union. Georgia held the Soviet Union accountable for the deportation, thereby placing responsibility on the Russian Federation as its successor. Conversely, the Russian Federation argued that the matter was in charge of Georgia. Faced with this deadlock, the Vatan (Homeland) Society- an organization representing the Ahıska Turks- brought the issue to the international platform. Meanwhile, Georgia's membership in various international organizations, its commitment to international agreements, and its desire to integrate with the West under Eduard Shevardnadze's presidency brought the repatriation of Ahıska Turks on the national agenda. These factors ultimately pressured Georgia to leave its earlier reluctant on the repatriation of Ahıska Turks (Keskin, 2019).

Under the Presidency of Eduard Shevardnadze, Georgia enacted several decrees to address the repatriation and integration of Ahıska Turks. In 1993, the decree "On the Settlement of Some of the Social Problems of the Deported Meskhetians" was issued, and it was accompanied by legal regulations prepared to provide some benefit to deported Ahıska Turks living in Georgia. On July 14, 1996, Georgia formally submitted its application for membership in the CoE. At the end of the same year, the Presidential Decree "On the State Program on Solving Legal and Social Problems of the Meskhetian Turks" was adopted. With the decree, it was committed that the 5,000 Ahıska Turks would be settled in Georgia by the year 2000, along with state support (Open Society Institute, 1998). Despite these commitments, limited progress was recorded. Shortly before Georgia's conditional membership in the CoE in 1999, another Presidential Decree titled "On Creation of the Governmental Commission on Repatriation and Rehabilitation of the Population Deported in the 1940s from Southern Georgia" was issued. Nevertheless, these three decrees and various repatriation programs remained almost totally ineffective as Georgian authorities were reluctant to implement them. Consequently, the repatriation of Ahıska Turks did not progress, and the legislative regulations remained primarily as symbolic steps -seemingly satisfying legal necessities- rather than practical solutions to facilitate the return (Keskin, 2019).

Many reasons can be attributed to the failure to implement the policies and legislations for the Ahıska Turks' repatriation: political challenges, financial constraints, the ongoing problems associated with the internally displaced persons (IDPs) in Georgia, the potential for ethnic tensions between the Ahıska Turks and Armenians in the Javakheti region and its threat to the security of the Baku-Tbilisi-Ceyhan oil pipeline (Keskin, 2019; 59). In addition to them, Aydıngün posited that Georgia viewed Ahıska Turks as ethnic Georgian, and those policies were enacted to support the repatriation of pro-Georgian groups in the Ahıska Turk community (2002: 56). Despite some Ahıska Turk families attempting to resettle in Georgia by accepting Georgian ethnic identity, they faced societal rejection and were largely unsuccessful in obtaining Georgian citizenship. This phenomenon can be explained by the sharp rise of ethnoreligious nationalism in Georgia during the 1990s (Keskin 2019; Asker, 2016; Gürsoy and Biletska, 2016).

Three years after Georgia applied to join the CoE, it became a conditional member of the CoE in 1999, as mentioned above. One of the CoE's conditions was for Georgia to take official responsibility for the repatriation of Ahıska Turks. In other words, the organization of their repatriation became Georgia's official obligation and commitment to the CoE. As the Parliamentary Assembly of the CoE stated that with its participation in the CoE, Georgia undertakes

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 (CoE, 1999).

As clearly understood, the CoE determined two years to adopt the necessary law, three years to start the implementation of the law, and twelve years to complete the repatriation process. Georgia's membership in the CoE thus marked a significant turning point in the repatriation efforts. Unlike previous decrees, Georgia was now required to adhere to these deadlines under the CoE's monitoring procedures, which involved regular periodic evaluations and progress reports. This creates a framework of accountability, ensuring that the process advanced in a coordinated way between Georgia and the CoE, with both parties

functioning together to meet the outlined commitments.<sup>10</sup>

### **The Monitoring of CoE to the Preparation of the Legal Framework for the Repatriation of Ahıska Turks (1999-2007)**

In 2001, the Parliamentary Assembly of the CoE published a report by Human Rights Commissioner Alvaro Gil-Robles. The report highlighted that Georgia has faced severe challenges, including the problems of approximately 200,000 internally displaced persons (IDPs) from Abkhazia and a weak economy. Therefore, it is stated that Georgian authorities tried to postpone the Ahıska Turks' repatriation despite their commitment to the principle of repatriation and the pledge to grant Georgian citizenship to Ahıska Turks. The Commissioner voiced that Georgia's offer to begin the process by collecting precise data on the number of Ahıska Turks deported from Soviet Georgia indicates that the authorities tend to delay the process (CoE, 2001a). When a Georgian official mentioned that the repatriation of Ahıska Turks would take at least 20 years (Civil Georgia, 2001), it essentially confirmed the Commissioner's view that Georgia intends to prolong the process. It was also stated in the report of CoE that the Georgian authorities prefer to disperse Ahıska Turks throughout Georgia instead of allowing them to all gather in large numbers in their homeland or any other region in the country. The Commissioner explained Georgia's move by the possibility of an ethnic and religious conflict with the Armenians already living in the region if Ahıska Turks return.<sup>11</sup> As a warning, it was emphasized that violating the principle of repatriation to the homeland "is doubtless a real dilemma with enormous human and above all, political implications" (CoE, 2001a). In another report, the Parliamentary Assembly of the CoE requested Georgia to accelerate the preparation of the law. It was also urged that the law provide Ahıska Turks with "the same status of rehabilitation as that already given to deportees of other ethnicities who were repatriated to Georgia under the Soviet regime" (CoE, 2001b).

In 2002, the European Commission against Racism and Intolerance (ECRI) noted that Georgia did not have a specific mechanism to grant citizenship to deported Ahıska Turks. Thus, the report stated that some of the Ahıska Turks, who had already come to Georgia, were deprived of Georgian citizenship. In addition, the report emphasized that Georgia should implement an effective integration program for Ahıska Turks. The ECRI also reminded Georgia of its obligation to the CoE and the necessity of Georgia's consultation with the CoE before adopting the repatriation law (ECRI, 2002a: 14). Georgia did not engage in the recommendations and criticism of the ECRI. However, Georgian authorities noted their rejection of the term "Meskhetian Turks" in the report and asked the ECRI to use the term "The deported population from the South Georgia in 1944" (ECRI, 2002b: Appendix). The Committee on Migration, Refugees and Demography noted that the law on repatriation is still under preparation, and the Georgian Parliament has no definitive schedule to enact it. The Committee also stated, "Georgia has accepted in principle their [Ahıska Turks] right to return but has not yet taken tangible steps in this direction citing its own current refugee problem" (CoE, 2002).

In 2003, the Commissioner for Human Rights Alvaro-Gil-Robles mentioned that Georgia submitted the draft Law to the CoE; however, he stated that Georgia inadequately considered the CoE's revisions on the drafts. In addition, the Commissioner pointed out that the repatriation of Ahıska Turks presents various political and practical challenges to Georgia, but it is imperative to advance in addressing the issue. The Commissioner also recalled the situation of about 15 thousand Ahıska Turks in the Krasnodar region of Russia, who are subjected to various violations of their rights, and noted that although the United States accepts some of them through the migrant program, the primary responsibility lies with Georgia (CoE, 2003).

In 2003, the Rose Revolution took place in Georgia. The pro-Western Mikhail Saakashvili became the president of Georgia. Soon after, a state commission was established to accelerate the preparation of the legal framework for the return of Ahıska Turks to Georgia. Although Georgia took some positive steps (Trier et al., 2011: 41), there were no concrete developments in preparing the Law on the return. At the end of 2004, the Parliamentary Assembly of the CoE severely criticized Georgian authorities on the repatriation issue. It was stated that

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 (CoE, 2004).

The Parliamentary Assembly of the CoE also asked Georgia to "create, without any further delay, legal, administrative and

<sup>10</sup> For more information on the COE's monitoring and its monitoring bodies, see (<https://www.coe.int/en/web/portal/monitoring-bodies>).

<sup>11</sup> For more details on the attitudes of Armenians in Samtskhe-Javakheti, see (Biletska and Tuncel, 2016).

political conditions for the start of the process of their [Ahıska Turks] with a view to its completion in the foreseeable future [...]” (CoE, 2004). In 2005, the Assembly stated that Georgia has to complete the repatriation process of Ahıska Turks by 2011. In the same year, the Assembly reiterated the commitments and obligations of Georgia about the Ahıska Turks’ repatriation. In addition, the Assembly stated that it was expected for Georgia to consider the needs of Ahıska Turks in the proposal and drafts on their return (CoE, 2005). In 2006, the Assembly called for Georgia to fully implement the recommendation stated in the previous year of the report and to accelerate the adoption of relevant legislation regarding the repatriation of Ahıska Turks (CoE, 2006). The ECRI also stated that the recommendations to Georgia were either not implemented or only partially implemented and that the progress in the repatriation of Ahıska Turks was slow. The report appealed to the Georgian government to combat all forms of prejudice against Ahıska Turks. Specifically, it highlighted that the Armenian population living in the region should be informed about the Ahıska Turks (ECRI, 2007: 16-17).<sup>12</sup>

As can be seen from the above, the Georgian authorities, citing the problems of internally displaced persons from Abkhazia and South Ossetia and possible ethnic conflicts with Armenians in the region if the Meskhetian Turks returned, was of the view that Georgia was not in a position to ensure the return of Ahıska Turks. In addition, Georgian authorities voiced that combating negative public attitudes towards the Ahıska Turks returnees was a daunting task for them due to long-lasting Soviet propaganda against them (Civil Georgia, 2004). Notwithstanding the prevailing challenges for Georgian authorities, it would not be wrong to say that adopting the legal legislation for Ahıska Turks repatriation would be a test for Georgia to uphold its obligations towards the Council of Europe and advance Georgia’s integration with Western organizations. Besides, the continuous follow-up by the CoE and its monitoring bodies pushed Georgia to prepare the Law without further delay. Consequently, Georgia adopted the Repatriation Law in 2007, which entered into force on January 1, 2008.

### **The CoE’s Monitoring of the Implementation of the 2007 Repatriation Law**

Adopting the 2007 Repatriation Law raised hopes of Ahıska Turks to repatriate. Nonetheless, the Law’s implementation started in May 2008, with a five-month delay and many uncertainties related to its content. The Parliamentary Assembly stated that “[s]ome have gone as far as to call it a ‘law on non-repatriation’” (CoE, 2008). It also emphasized that many provisions of the Law were not clearly defined, and that allowed too much room for interpretations by state officials receiving applications. As highlighted in its report, this problem put applicants at risk of having their applications declined for technical reasons. Additionally, the report mentioned uncertainties regarding the procedure for obtaining Georgian citizenship, their settlement in Georgia, and property ownership, taxes, or social security. Considering the problems, the Assembly called Georgia to develop a national strategy for Ahıska Turks, establish a commission addressing the issues of Law with the participation of international organizations and civil society organizations, and consider providing financial and technical support to Ahıska Turks. In addition, the Assembly requested Georgia to seek ways to reverse negative public opinion regarding the repatriation of Ahıska Turks, as there was still insufficient mention of their deportation in history schoolbooks and museums (CoE, 2008). In addition to the problems mentioned in the report, the war with Russia in 2008 disrupted the implementation of the Law.

The Advisory Committee on the FCNM highlighted that Ahıska Turks faced difficulties filling out their application documents in English or Georgian, as most community members did not speak these languages. The report also noted that the required documents for the application were either expensive or complicated to obtain. In addition, it recommended extending the application deadline and addressing the lack of provisions for appealing rejections. The report pointed out the absence of an integration strategy for Ahıska Turks and the problems in obtaining Georgian citizenship, leading to becoming stateless because, to apply for Georgian citizenship, the Law required the Ahıska Turks to drop the citizenship they already possessed (FCNM, 2009: 24).

ECRI also stated that too many documents were required for the applications, which were difficult to obtain. It was emphasized that Ahıska Turks should not experience problems if they become stateless while changing their citizenship to Georgian citizenship and that a solution should be found for the problems they encounter in obtaining Georgian citizenship. It was also stated that some Armenians living in the region, where Ahıska Turks were deported were against their return. According to the report, one of the reasons behind this situation was the lack of information about Ahıska Turks in public opinion and the propaganda against them in media organizations. For this reason, it was emphasized that awareness-rising should be carried out in Georgia in general and in the Armenian population about Ahıska Turks and the historical reasons behind their return. The report also recommended that Georgia create a comprehensive integration program for Ahıska Turks (ECRI, 2010).

<sup>12</sup> ECRI also pointed out that many experts consider it appropriate to refer to the community as ‘Meskhetian Turks’.

Georgia made several changes in the 2007 Repatriation Law in response to criticisms and suggestions from the CoE and its monitoring bodies. For example, Georgia removed the health certificate from the list of required documents for application. Additionally, the deadline for application was extended by one year, and an extra one month was given to complete any missing documents in applications for repatriate status. The time frame for renouncing citizenship from another country after obtaining repatriate status has been extended from six months to one year. Additionally, the requirement to fulfill the conditions for securing Georgian citizenship within one year after obtaining repatriate status has been removed. Furthermore, Georgia stated that a legal arrangement would be established to address the potential statelessness of Ahıska Turks during the transition to Georgian citizenship, with a simplified process (Keskin, Tulun, and Yılmaz, 2016).

Although these regulations seemingly introduced improvements, subsequently released reports reveal that similar problems remained unsolved. In 2011, the Parliamentary Assembly recommended that Georgia conduct a proper evaluation of the applications, to be flexible in technical formalities, and to a comprehensive program for the repatriation and integration of Ahıska Turks (CoE, 2011). The ECRI criticized Georgia for its inability to grant repatriate status or citizenship to Ahıska Turks who have autonomously returned to the country. This critique also underscores the challenges faced by Ahıska Turks in integrating Georgian society. Therefore, it was recommended that Georgia develop a strategy to address the problem (ECRI, 2013). While the 2016 report of the ECRI echoed similar concerns (ECRI, 2016), the reports released in 2019 and 2023 did not revisit the matter of the Ahıska Turks' repatriation.

In 2014, the Parliamentary Assembly warned that the repatriation program for Ahıska Turks mainly concentrated on granting legal repatriate status to qualified applicants rather than promoting their actual return. It also noted the long waits in giving citizenship to Ahıska Turks having the repatriate status. In this regard, the Assembly articulated the necessity for a comprehensive repatriation program for Ahıska Turks; thus, it greeted Georgia's adoption of a "State Strategy on Repatriation" (CoE, 2014). In its report in 2019, the Advisory Committee on FCNM drew attention to the fact that Ahıska Turks who wanted to return to Georgia from Azerbaijan had serious difficulties in renouncing their Azerbaijani citizenship due to the Georgian law that restricted dual citizenship. As a result, it stated that very few Ahıska Turks were able to return to Georgia (FCNM, 2019a). In response to critiques directed by the Advisory Committee on the FCNM, Georgia stated that it implements a separate simplified procedure for Ahıska Turks with repatriate status to obtain Georgian citizenship. In this context, Georgia put that Ahıska Turks are granted conditional Georgian citizenship within 2 years after obtaining repatriate status and Georgian citizenship within 5 years following receiving conditional Georgian citizenship. On the other hand, Georgia placed that it has a constitutional provision that allows Ahıska Turks to obtain Georgian citizenship without relinquishing their Azerbaijani citizenship (FCNM, 2019b). In the report in 2022 submitted by Georgia to the Advisory Committee, it is stated that "[a]cquisition of Georgian citizenship and renunciation of the citizenship of another country is an individual decision of a person" (FCNM, 2022).

In 2022, the Parliamentary Assembly welcomed Georgia's repatriation strategy for Ahıska Turks. However, it noted that practical obstacles still hinder actual repatriation, many beyond the Georgian authorities' control, resulting in few returns. In this regard, the Council urged Georgian authorities to evaluate the repatriation process and address any barriers within their competence; if it did, the Council stated to acknowledge that Georgia fulfilled its commitments and obligations on the repatriation of Ahıska Turks (CoE, 2022). In the report of the Advisory Committee on the FCNM, it was reiterated that Ahıska Turks faced severe obstacles in acquiring Georgian citizenship, including the necessity of dropping citizenship of other countries, leading to fear of Ahıska Turks becoming stateless. The Committee additionally highlighted ongoing challenges and reported concerns about the repatriation process of Ahıska Turks as a formalistic procedure (FCNM, 2024b).<sup>13</sup> In its response to the report, Georgia re-emphasized the positions outlined in its 2022 report, asserting that the decision to renounce one's citizenship of another country and to acquire Georgian citizenship fundamentally resides with the individual (FCNM, 2024a).

It is evident that Ahıska Turks have encountered difficulties in obtaining Georgian citizenship. Despite recommendations from the Council and its monitoring bodies to make the citizenship process easier, Georgia requires Ahıska Turks to give up their current citizenship before receiving Georgian citizenship. What is more, the Georgian authorities have not provided clear information on how long acquiring Georgian citizenship will take for Ahıska Turks who have obtained Georgian conditional citizenship. As stated earlier, this situation causes Ahıska Turks who want to return to their homeland to risk being stateless if they renounce their existing citizenship. In addition, it is not clear what will happen to Ahıska Turks who have been able to

<sup>13</sup> See also, (Dolidze, 2023).

work in another country for years and have social rights such as retirement pensions when they acquire Georgian citizenship. Therefore, it can be proposed that these uncertainties negatively affect Ahıska Turks' desire to return to Georgia. Another factor that negatively impacts their decision to return is their worry about whether they can integrate into Georgian society. Despite the recommendations and suggestions of the CoE's on integration challenges faced by Ahıska Turks in Georgia, these issues persist. Moreover, the Georgian state has officially accepted Ahıska Turks as ethnic Georgians and as Georgian Muslims, entirely denying their Turkishness, similar to the Soviet period. Thus, Ahıska Turks are not considered a national minority. This fact prevents Ahıska Turks from benefiting from Georgia's reforms regarding minorities within the framework of international agreements signed during the adaptation to European institutions.<sup>14</sup> Consequently, the lack of a comprehensive integration program for the Ahıska Turks in the repatriation process has led to their reluctance to settle in Georgia (Keskin, 2019; Keskin et.al, 2016). In this regard, it is essential to underscore that accepting most of the impediments in the repatriation process to factors beyond Georgia's control- as the CoE did- fails to understand the current situation comprehensively. Furthermore, the application process for the 2007 Repatriation Law has been loaded with numerous problems, and there has been no substantial progress regarding the actual return of those Ahıska Turks who have completed the application. Given these, any analysis suggesting Georgia successfully completed the repatriation process is open to discussion.

### Conclusion

Since their deportation in 1944 and the removal of the special settlement regime in 1956, Ahıska Turks have struggled to return to their homeland in Georgia. The Soviet regime prevented them from returning despite the official recognition of their deportation in 1968. The newly independent Georgia, similar to the Soviet regime, denied the identity of the Ahıska Turks and has always been reluctant to implement the policies and legislations aiming at meeting international human rights standards. Therefore, little progress was recorded in the Ahıska Turks' repatriation until 1999, when Georgia became a conditional member of the CoE. With its participation in the CoE, Georgia officially undertook the organization of their repatriation, and the CoE and its monitoring bodies have started to monitor Georgia's initiatives to determine whether Georgia fulfills its obligations and commitments to the CoE. In this regard, the CoE put pressure through continuous reporting on Georgia, and that played a crucial role in enacting the 2007 law concerning the repatriation of Ahıska Turks, even if it was six years late. However, even with the pressure of the CoE on Georgia through different mechanisms, Georgia's reluctance did not change after 1999.

When the application process started, serious issues emerged, preventing the Ahıska Turks from applying. Reports from the Council of Europe indicated that the process was questioned due to a number of 'technical' problems, so the Council demanded a more flexible evaluation process from Georgia. Although the CoE mentioned obstacles to the application process in its follow-up reports, it largely failed to push Georgia to make fundamental improvements to the Law. Consequently, the application process for the long-awaited legislation resulted in significantly fewer Ahıska Turks submitting valid applications than anticipated. Subsequently, the CoE started to focus on monitoring the following steps, such as the Ahıska Turks' acquiring Georgian citizenship and integration into Georgian society. Throughout regular reports, the Council and its monitoring bodies have highlighted problems in these issues and made recommendations to Georgia. However, Georgia's initiatives have largely remained on paper, resulting in a small number of actual repatriations. Even though a limited number of Ahıska Turks benefited from the 2007 Repatriation Law and none of the Ahıska Turks gained Georgian citizenship, Georgia acted as if it successfully finalized the repatriation process of Ahıska Turks. Moreover, the CoE regarded most factors impeding the Ahıska Turks' achieving Georgian citizenship as beyond Georgia's competence, and it has intended to accept that a successful repatriation process has taken place, thereby considering that Georgia has fulfilled its commitments to itself. For this reason, it can be argued that although the CoE played an active role in the preparation of the 2007 Repatriation Law, it has been partially inadequate in monitoring the implementation of the Law.

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<sup>14</sup> See also, (Gürsoy and Tulun, 2016).

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