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THE CONSTITUTIONAL REFORM AND THE POSITION OF ETHNIC MINORITIES IN THE REPUBLIC OF ARMENIA

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Abstract

This article aims to examine the ethnic minorities' state of affairs in light of the constitutional reforms in Armenia since President Serzh Sargsyan decided to open the consultations with the parliamentary factions on November 2005. Policy-makers and representatives on behalf of ethnic minority groups have been taking relevantly place at the recent wave of democratic protests throughout the process of constitutional reforms in order to entrench a more stable multiparty system, independent judiciary, new balances between State and civic society. Hence, what is the reason to endorse those tiny ethnic groups such wealth of minority rights and political recognition? Why have ethnic Armenian minority groups not had objections or particular regrets in the constitutional reform processes? In turn, may this high level of internal recognition to ethnic minority groups foster assistance to Armenian minorities and protect Armenian heritage into the de facto entities of the South Caucasus?

Key words: ethnicity; minority rights; national minority language; freedom of religion; freedom of speech; constitutional reforms

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INTRODUCTION

Despite the Republic of Armenia, formerly the Soviet Socialist Republic of Armenia, is still a mono-ethnic country, since 2005 the political system began hardly campaigning to guarantee enough juridical recognition to those non-Armenian inhabitants belonging to ethnic minorities in order to allocate them inclusion within the public realm¹.

With the Soviet system collapsing, in Armenia the political issue regarding the ethnic minority groups became culturally twofold: historical legacy of Armenia has been shaping a high level of cultural understanding towards minority groups due to wrenching past, which has in turn shaped a history-oriented path between Armenians and non-Armenians belonging living the country. Besides religious and cultural affiliations, collective traumas (Ushakin 1978, 23), triggered by “Ottoman Genocide” in 1915 and over Nagorno-Karabakh conflict, have created a national sense of tragedy (Denishiko 2015, 45) to share with members of ethnic groups which understand this feeling of pain due to their engagement in.

In the early twentieth century, Young Turks’ forces have deported and murdered Armenians alike Assyrians because of their religious affiliation with the Nestorian Church. Instead, over the Nagorno-Karabakh conflict between Armenia and Azerbaijan started officially in 1992, during the last “Four-Days War” in the April 2016, social relationships between Armenians and Yezidis became quickly tighter after the beheading of Karam by Azerbaijani troops in the “line of contacts”. In this case, the murder of the Karabakh Defense Army soldier, Karam Sloynam, who belonged to the Yezidi community from the Aragats Province, as well as the showing his head as a “fish-trophy” to the social media, have increased and of self-oriented Armenians towards issues of identity in terms of mutual respect and support.²

In a certain extent, historical experiences seem to affect the Armenian way of assessing appropriate assurances to respect ethnic minority groups’ assurance, that is, in turn, the attempt to obtain Armenian assurances that even a single person from a minority community will surely respect (Kymlicka 1995, 105). At the same time, such shared experiences understood as historical injustice bring currently Armenian community to take allowably prudent distances and limited cultural integration and engagement all over the South Caucasus, especially in the attempts to unfreeze the dispute over Nagorno-Karabakh with Azerbaijan as well as in the relationships with Georgians. In the meantime, Armenians have generally shown a high level of cultural respect for ethnic minority groups because of the suffering past shared with their members, despite it seems that Armenians have already forgotten the noble pages of their past and have created an image of victims (Harutianian

¹ This process of recognition in favour of Armenian minority groups took place since 27 November 2005 when a nationwide constitutional referendum was held and an amended constitution was adopted. In addition, the constitution was amended again in a national referendum on 6 December 2015 that changed the political structure from a semi-presidential system to a parliamentary republic.

² In addition to the death of Karam Sloynam, another soldier, Sidar Aloyan, has been killed by the Azerbaijani troops last December 2015 while he was performing the National Army in the Nagorno-Karabakh. The entire is turning the Armenians’ understanding towards cultural alignments in connection with historical patterns. In fact, according to the Caucasus Barometer’s official database shows, in 2013, the majority of interviewed Armenians approve the chance to start a business with members belonging to ethnic minority groups, such as Yezidis (57%), Molokans (57%) and Jews (51%). On the contrary, the same question shows a large disapproval with reference to Turks (67%) or Azerbaijanians (96%) and Iranians (51%).

1994, 149). In other words, a very deep image and an overwhelming cultural defense that constitutionally recognized in terms of *Armenian-ness*.³ Historically, although the Soviet hint of political change, at the Armenian heart of political underground there were constant demands for the official recognition of the Ottoman mass killing and persecution since 1890 until 1915. In 1960s, the National Unification Party were sent to Moscow with requests to change the administrative status of Nagorno-Karabakh Autonomous Oblast (NKAO), the contemporary Azerbaijani exclave of Nakhichevan as well as the Turkish Western-controlled Western Armenia, in order to reallocate these lost lands belonging to Armenian milieu (Goldemberg 1994, 46) and to unlock the country's geopolitical position. In response, Armenian campaigns remained unvoiced and, on the contrary, Soviet inertia came to shape a higher sense of nostalgia for the lost lands.

Before these political campaigns, a self-conscious perception of living along a fragile zone, namely between USSR' and NATO's space after the Turkey's admission to the Western alliance in February 1952, an increasing sense of insecurity and instability brought Armenians to feel and identify themselves as "a minority". In the meantime, out-migratory flows in direction of the wider USSR that have been affecting as Armenians as members from ethnic minorities have shaped a memorial repository of tolerance and solidarity between each other.

By collapse of the Soviet Union instead, the outbreak of the ethnic hostilities throughout Trans-Caucasian state-buildings began to impinge more directly on the human security of Armenians living in the former SSR Georgia and SSR Azerbaijan. Ethno-nationalist propaganda, such as "Georgia for Georgians" attributed to both Presidents Zviad Gamsakhurdia and Eduard Shervardnadze, as well as their followers, took place by following religious affiliations and cultural alignments. For instance, even if Armenian minorities have had little to do within the security issues in Abkhazia and South Ossetia, in Georgia human rights abuses against Armenians have been reported,⁴ while in the former Nagorno-Karabakh Autonomous Oblast, forced by conflict, the raise of military hostilities have conducted Internal Displaced Person-s (IDPs) who started to reach safe places outside the region. In that case, once again Armenians came to feel the suffering of the history. Religious affiliations did not brought Georgia's government to effort on the side of Armenians belonging to former Soviet Karabakh Oblast, while, conversely, Tbilisi tried to balance its political actions for preserving only their internal provinces neighboring Armenia and Azerbaijan. Turkey, too, shifting in defense of Azerbaijan over Nagorno-Karabakh dispute, tried anew to stand against Armenians in order to protect *turksöy* roots of the region.

³ According to the new Armenian constitution (Article 19) the term Armenian-ness refers plenty the Armenian identity and millenarian heritages. Its legal usage shall carry out a policy aimed at developing comprehensive ties and preserving Armenian-ness with the Armenian Diaspora, and shall facilitate the return to homeland.

⁴ For instance, Armenians have been obliged to change the final part their family name, which outlines the cultural belongingness of Armenia ethnicity. From the typical Armenian suffix "-yan", they adopted the Georgian ones, namely "-dze" or "-shvili" as part of their surname.

OVERVIEW OF ARMENIAN ETHNIC MINORITIES

The last Armenian census (2001, De Jure Population by Age and Ethnicity) shows the mono-ethnicity of former Soviet State with a tiny non-Armenian population who belong to different ethnic groups and account less than 3% of the entire populace.

Yezidi-Kurdish minority group (42,139) is the largest ethnic community living the country within twenty-two rural settlements in which they represent the majority of population. In Armenia, their non-Muslim affiliation accounts an ancient and independent religious tradition, so-called “Yazidism”, which in turn differs from the general Muslim religious attitude of the Kurdish population. The biggest Yezidi-inhabited area is the town of Verin Artshat, while other nineteen villages are mostly located in Aragatsothn Province. There are also no-Kurd Yezidis, namely Yezidis without cultural engagement with the Kurdish heritage, who unfortunately cannot be countable due to the various sources that do not clarify the exact number. In addition, Assyrian minority (3,409) living in the rural areas of Arzni, Dmitrov, Gyol Arison, Nor Artagers, Verin Dvin, represent the second most important minority group in Armenia. Because of their religious affiliation with the Nestorian Church (Syrian Orthodox and Chaldean Catholic Church), that is, a branch of Christianity, their integration within the Armenian wider society is not a concern. On the contrary, few cultural misunderstandings happened between Armenians and Yezidi-Kurds due to their mountaineer and endogamous life world that allow community’s members to get married under the same marriage age, that according to the Armenian legal requirement is 18-years-old. In Armenia, other minority groups inhabit the country: Molochans, Ukrainians Georgians, Bielorusians, as well as heavily Russified communities of Vlachs, Mordvins, Ossetians, Armeno-Udis and Armeno-Tats.

Besides the historical phenomenon of Armenian Diaspora, migratory flows always influence members of these ethnic minority groups and, at least apparently, migrations will continue from Armenia despite considerable improvements in the economic and political situation in Armenia.

NATIONAL MINORITY AND FREEDOM OF RELIGION

Adopted in late November 2015, the new Armenian constitution summarizes plenty in its Second Chapter the legal recognition all *fundamental rights and freedom of the human and the citizen* (Article 23), which defines human dignity of a given person as *inviolable*. According to the ethnic minority issues, the Article 56 highlights the Armenian attempts to include into the public sphere every minority group by recognizing their *right to preserve national and ethnic identity*. In addition, as written in the Second Section, *persons belonging to national minorities shall have the right to preserve and develop their tradition, religion, language and culture*.

Such juridical recognition seems to display positive results achieved due to a fruitful collaboration among legislators and political parties jointly with Armenian Government Department for the National Minorities and Religious Affairs, the Armenian Human Rights Defender, the Public Council, and the Armenian office of European Charter for Regional or Minorities Languages. Article 56 indeed connects culturally the recognized Article 14 (Second Paragraph) of the Framework Convention for the Protection of National Language, which guarantees [...] *to ensure as far as possible and within the framework of*

their education systems, adequate opportunity for being taught in “minority language” (Article 15 2008) in promotion of *culture, education, science*.

However, the minority issue concerning the protection of minority cultural heritage has been challenging the public realm with regards the sphere of education. Moreover, Assyrians and Yezidi-Kurds have point out that their languages cannot receive the juridical recognition of “minority language”, however as “*minority national language*” because of the connection with their idea of motherland (or nationhood) from which they belong to. Hence, the chance to provide public education in both Armenian and “national minority languages”, inside a form Soviet country with a Russian-speaking attitude still relevant, seems to be quite challenging. However, in collaboration with the National Agency for Ethnic Minorities and Religious Affairs, which has in turn replaced the State Board of Religious Affairs in 2003, the Minister of Education is currently promoting a large number of cultural events in order to stimulate a more social and cultural integrative processes among the majoritarian cultural system and minorities’ culture. In the case of Assyrian minority for sample, Armenian Government is promoting the editing of textbooks written in Assyrian script and leading classes taught in Assyrian language. In the rural settlements where Assyrian is the majority of inhabitants, such as Arzni, Dimitrov, Nor Artages and Verin Dvin, classes are currently taught in Assyrian language together with other courses in history, religion and culture of ethnic groups of Armenia. However, a lack of teachers with proficiency in “ethnic minority languages”, as well as of educators and social workers with a background in ethnic cultures hampers the integration in the sphere of public education and it paves the way toward the most important barrier to overcome for the Armenian government. Despite this vacuum seems to be avoided by the same ethnic minority groups who express themselves in Armenian properly, human interrelationships between Armenians have been in the same way constructiveness and, according to Kurdish and Yezidis groups,⁵ even the usage of Kurmanji language in the areas of Amra Tara-Sadunts, Alagyaz, Derek, Samshlu, Avshen, Yeraskhahun and Zovuni, is not a concern.

In terms of cultural rights with regards the sphere religion instead, the last constitutional reform has guaranteed (Article 41) the juridical protection for the *freedom of thought, conscience and religion*. Currently, in Armenia, the country’s primary religious establishment belonging to the Armenian Apostolic Church, that is, the world’s oldest national church, the constitution assurances *the freedom to change religion or beliefs and the freedom and the right to manifest religion or belief in preaching, church ceremonies, other rituals of worship or in other forms*. Even if social attitudes are still determined by Armenian Apostolic Church and its overwhelming influence according to mythological alignments cultural-based on Armenian-ness, that is, ethnicity and nationhood’s oral-epic sources. Hence, the hypothetical risk for the Armenian Church’s *soul hunting* appeared to challenge the well-living of ethnic minority groups, despite there have not been cases of abuses as well as discriminations against religious affiliation over last twenty-five years. In light of the new constitution, religion *may be restricted only by law with the aim of protecting state security, the public order, health and morals, or the fundamental rights and freedoms of others*. On the other hand, what really seems to threat minority groups is the mandatory service at the Armenian Army, which obliges every Armenian citizen to

⁵ According to the Soviet census, these minority groups in the SSR Armenia were regarded as Kurds in all official documents and provision (1939-1989). Therefore, they made solely for Kurdish in educational and cultural institutions.

perform the military service. Here, if Yezidis and Assyrians are currently serving the National Army, Jehovah Witnesses are striving in order to make use of this opportunity by using an effort to learn about something in contrast with their religious beliefs. Although this mandatory performance, Armenia trying to alternate with another enshrined service in accordance with the Universal Declaration of Human Rights, which, at the Article 29, outlines that “*everyone his duties towards the community, where only the free and full development of the personality is possible*”. That is why the Forth Section of the Article 41 guarantees to the religious organizations equal rights and cultural autonomy by following the proclaimed procedure of creation and operation of religious organizations, but their status continues to be prescribed by law. In conclusion, the “Eurasian Partnership Foundation” through the last census from 2011 has reported a few number of non-Apostolic Armenian organizations (Sargsyan 2013, 35) that can easily obtain an official registration, thus a public recognition, through the cooperation (Sargsyan 2013, 34) given by the Department for the Ethnic Minorities and Religious Affairs. The latter has affirmed to have officially registered about 65 different religious organizations in the country.

Table 1: “Identity, Ignorance and Fear” (Eurasia Partnership Foundation, 2013)

Branch of religious affiliation	Number of believers
Catholic	14.000
Orthodox	8.000
Jehovah	8.600
Evangelical	30.000
Mormons	240
Molokans	3.000

PARLIAMENTARY REPRESENTATION AND POLITICAL RECOGNITION

In order to step forward towards a proportional representation at the National Assembly, the Article 89 regulates the future composition of the Armenian Parliament, which *shall consist of at least 101 parliamentarians [and] shall be assigned in the National Assembly for representatives of national minorities* starting from the upcoming 2017 elections.

By purpose, this article allocates four parliamentary seats to those candidates from each ethnic minority group. It additionally aims to get involved both Armenian political parties and ethnic minority organizations into a stimulating democratic exercise through a political recognition and representation for those unvoiced groups, despite it does not regulate or establish separate procedures for minority groups within the Electoral Code. All of these has brought the Armenian political landscape to take in consideration the elective procedure by which a candidate belonging to an ethnic minority groups can be aware to running for his/her seat at the National Assembly.

The future decision on the table is currently threefold:

- *Representation in the political party candidates' list*, which means to involve four candidates from each of the four ethnic minority groups into each political party list. In doing so, the new constitution might leave to each Armenian political party the responsibility to choose four candidates belonging from each minority groups through an internal process.
- *Single seat voting*, which guarantees four parliamentary seats at the National Assembly for a member from each ethnic minority group and it may throughout leave the necessity to set up an alternative and local elective process in order to make candidates from ethnic community aware to run for taking part at the elections without engagement with Armenian political parties. Such decision could effort Yezidi-Kurdish minority group for the possible actions of lobbying on literally behalf of a “political minority” rather than a minority group.
- *Freedom to each ethnic minority group to run for parliamentary election by their own political party or association*, which seems to be achievable by Articles 45-46 that respectively guarantees *Freedom of Association* as well as the *Right to Create a Party and Join a Party*.

Although the constitutional reform is attempting to create successfully a proportional system, the parliamentary assessment towards the political recognition for ethnic minority groups seems to mislead the representation within the Nation Assembly. Statistically indeed, ethnic minority groups in Armenia do not account the same number of members and, according to the last census in 2011⁶ Yazidis compose a larger minority than Assyrian one, as well as Yezidis are 60% of no-Armenian population, instead anew Assyrians together with other minorities account other 40%.

As many political analysts and experts have pointed out the entire does not successfully solve the ethnic minority issues in the Republic of Armenia, because it seems to raise up forward risks of manipulation conducted possibly by selfish political parties, misrepresentation due to the weaknesses in ethnic minority groups' organizations and their local self-organization, misleading for cultural rights and needs. However, thanks to the contemporary high level of recognition of the fundamental rights, such as the opportunity to acquire parliamentary seat in the National Assembly in the following the 2017 elections.

FREEDOM OF SPEECH AND EXPRESSION IN PUBLIC BROADCASTINGS

Although internet is not yet a widespread phenomenon in the Armenian rural areas in which minority groups mostly live, the cyberspace remains at the same time the most flexible and impetuous channel *of and for* information.

Moreover, a relevant number of reforms in the media sector have been promoted by the Armenian Government's Linguistic Policy Program, in collaboration with the Coordinating Council for Non-Governmental Organizations, in order to guarantees to ethnic minority groups a wide range of local newspapers, periodicals published in their spoken languages and writing, such as in *Madnhaya* script for Assyrians.

⁶ 2001 Armenian Census, *De Jure Population* (Urban, Rural) by Age and Ethnicity.

By subsidizing a part of annual national budget, Armenia's local press agencies are publicly allowed and aware to disseminate information and broadcasting services in the "national minority languages". The adopted law "On Press and Mass Media" in 8 February 2004, which replaces the previous rules dated in 8 October 1991, cooperates by law with the act of "On Public Television and Radio Broadcasting" and the Article 42 of the Armenian Constitution. All of these guarantees *the freedom of the press, radio, television and other means of information where the censorship is prohibited and the State guarantees the activities of an independent public television and radio offering a diversity of informational, educational, cultural, and entertainment programs.*

The entire began influencing Freedom House, that is, the most important American institute worldwide based in Washington DC that investigates about status of democracy regimes according to the freedom of speech and the right of expression. Thereby, Freedom House has rated Armenia as "Partly Free Country" (Freedom House 2016) with an improvement of 5 points in the last decade.

CONCLUSION

In conclusion, despite ethnic minority groups have never been in the position to challenge the central supremacy, their contribution to the constitution reforms and amendments has seen as a positive fact.⁷ Most likely, their "low identity" and "shared experience of pain" with the Armenian recent history has facilitated social integration and political inclusion to the majoritarian cultural system. All of these could give the opportunity to the Armenian democracy to increase a higher level of transparency, more respect of fundamental rights and integrative public policies. Thereby, to allocate ethnic minority groups came to promote forward steps for a State still in transition toward a succeed degree of democracy and political legitimacy.

In other words, the positive track through which Armenia is performing could be a spill-over for lobbying other governments in the South Caucasus, such as Georgia, Azerbaijan, as well as Turkey. By doing so, Armenia may be politically aware to foster more protection to Armenian minority living in the *de facto* Republic of Abkhazia (Hakobyan 2015, 49)⁸, to unfreeze the frozen conflict over Nagorno-Karabakh, and to promote a cultural rehabilitation of the historical legacy and heritages of "Western Armenia" in cooperation with the Turkish government.

⁷ Only the amendment at the Article 37 regarding the children's rights has been criticized by minority organizations and local NGOs because of the lack of juridical balance between parents' rights (Article 38) and children's ones according to mountaineer heritage.

⁸ Armenian minority living in the partially recognised State of Abkhazia seems to challenge the political relationships between Tbilisi and Sukhumi. In fact, Armenians of Abkhazia are the second largest minority of the region and account a population larger than Georgian community.

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