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A STUDY OF THE LEGAL STATUS OF THE ARMENIAN DIASPORA: INTERNATIONAL LEGAL INSTRUMENTS OF PROTECTION OF THE ARMENIAN MINORITY RIGHTS ABROAD

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BY

ARMENUHI KARAKHANYAN

YEREVAN, ARMENIA

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SIGNATURE PAGE

Lucine Galadjian

Faculty Advisor

Dr. Lucig H. Danielian

Dean

YEREVAN, ARMENIA

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Introduction

The concept of diaspora goes back in the history of humanity. Originally used by the ancient Greeks to describe a dispersion of the Greek population outside Greece, the concept was later borrowed by the Jewish, Armenian, African and other Diasporas, obtaining a more painful meaning of persecution, forced expulsion, loss of a homeland and longing for return. As defined by Cohen, these diasporas are an example of a "victim diaspora" (Cohen, 1997, 31).

Armenian diaspora is known to be the second oldest in human history (Tololyan 2007). It is difficult to calculate the precise number of the Armenians living in the diaspora nowadays. According to BBC News (2007) and the information obtained from the Ministry of Diaspora of the Republic of Armenia, the Armenian diaspora currently estimates about 8 million people residing in more than 120 countries of the world, which is about 60% of the Armenian worldwide population (BBC News 2007).

In the set of relations between the Armenian Homeland and Diaspora the issue of protection of the rights of the Armenian Diaspora, as representing a majority of the Armenian nation, acquires crucial importance and becomes very relevant to the activity of the newly established Ministry of Diaspora. The purpose of this paper is to study the latest developments regarding the international protection of minority rights and to find and analyze the instruments for protection of the rights of the Armenian national minorities abroad.

The paper concentrates on the institutional framework of the national minority right protection. It attempts to elaborate the concept of national minority protection under universal and regional standards and answer the following research questions:

1. What legal instruments serve to protect the minority rights at the universal level?
2. What legal instruments serve to protect the minority rights at the regional level?
3. What legal instruments for protection of national minority rights are ratified by the countries hosting the most numerous Armenian communities?
4. Are there major differences among the universal and regional minority rights standards?

Methodology

For the purpose of the study this paper focuses on the *primary data* analysis of the universal and regional legal documents, providing a basis for establishment and protection of the minority rights by the member states. The paper also comprises *secondary data* analysis including relevant scientific articles, reports, policy papers, pamphlets, brochures etc. on minority rights protection issues.

The paper examines the ratification of the universal and regional legal instruments by the states with the most numerous Armenian communities. The data about the size of the Armenian communities in different countries is obtained from the Ministry of Diaspora of the Republic of Armenia. The states under the study include the Russian Federation (2.2 mln.), the United States of America (1.4 mln.), France (450 ths.), Georgia (350 ths.), Iran (130 ths.), Ukraine (130 ths.), Poland (120 ths.), Lebanon (80 ths.), Turkey (80 ths.), Syria (70 ths.), Argentina (70 ths.), and Canada (65 ths.). The paper also studies the adherence of Armenia to the universal and regional legal standards.

It should also be mentioned that the level of adherence of the states to the international legal norms and standards on minority rights protection is measured by ratification or accession[1] to the international legal documents regarding minority rights protection issues.

Armenian Diaspora: An Overview

The International Law provides no universally accepted and binding definition of the terms "diaspora" or "minority". The connotation of the term 'diaspora' has changed over the years, and many scholars and experts still disagree about the actual definition of the word. According to Tololyan (2007), a broader definition of the term is often used to describe a dispersion of people of a common national origin irrespective of the cause, size, or duration of the dispersion (Tololyan 2007).

1 Accession and ratification have the same legal power. States usually acceed to a treaty after it has entered into force (http://untreaty.un.org/English/guide.asp#ratification).

By this broader definition, the history of the Armenian Diaspora on the Indian subcontinent dates back to the 4th -5th centuries B.C. Reference to the Armenians who traveled to India to trade or to enter the military service is found in the writings of an ancient Greek historian Xenophon (430-355 B.C.) (Seth 1993). Another example of the early Armenian diaspora may stretch back to the fourth-sixth centuries A.D. and denote small groups of young Armenian scholars who studied Greek art and science in Athens, Alexandria, Antioch, etc (Tololyan 2007).

To describe the Armenian Diaspora in a narrower sense the paper employs the famous definition of a minority suggested by Francesco Capotorti, Special Rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities:

> "A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language" (Capotorti, 1991, p.98).

The origin of the Armenian Diaspora throughout Armenian history has been the result of various undermining forces that have affected the Armenian homeland since early period. These forces ranged from territorial conquest, religious persecution, and genocide to expatriation caused by economic crisis and deprivation (Dekmejian 1997).

Over centuries the Armenians have populated the highland area between the Black, Caspian and Mediterranean Seas. This area as large as 180,000 km^2 presented a strategic crossroad between East and West. Because of its geographic location the territory was subject to repeated intrusions and invasions by the 'enemy'. As a result, the territory was decreased to 30,000 km^2 of the contemporary Armenia, which is only one-sixth of the ancestral Armenian territories. The country, ruled occasionally by native sovereigns and foreign conquerors, was repeatedly influenced by demographic disasters that befell the Armenian people throughout its long history (Tololyan 2007).

The biggest wave of the coerced mass deportation of the Armenians from their homeland was invoked by the Genocide of the Armenian population committed by the Government of the Ottoman Turkey at the beginning of the 20th century. Already in 1894-1995 the Ottoman authorities slaughtered 100,000 Armenians, plundered and burnt several thousand Armenian homes, forcing many Armenians to accept Islam. Between 1915 and 1922 one and a half million Armenians were ruthlessly massacred while hundreds of thousands were deported and became homeless and stateless refugees. The Armenian refugees spread all over the world and replenished the existing Armenian communities worldwide (Gilbert 2003).

The negligence of the international community, the lack of effective protection mechanisms and the impunity of the genocide committed by the Ottoman government, allows drawing analogy with the mass slaughter of the ethnic Armenian community organized by the authorities of Soviet Azerbaijan in 1988. In reply to the lawful demands to self-determination of the people of Nagorno-Karabakh, which was historically part of Armenia and was annexed to Azerbaijan only in 1923, Azeri government directed its atrocities against the peaceful Armenian population of Azerbaijan. As a result, according to underreported official records of the Soviet prosecutors and some international organizations, between 1988 and 1991, 388 local Armenians were ruthlessly tortured and massacred in Sumgait and Baku (Ministry of Foreign Affairs Web Site).

Furthermore, according to the *Statement by Vartan Oskanian Minister of Foreign Affairs of the Republic of Armenia at the 59th General Assembly of UN*, the pogroms resulted in a new wave of forced emigration of over 400,000 Armenian residents of Azerbaijan, that had to escape to Armenia, Russian Federation and other countries of the world (Ministry of Foreign Affairs Web Site 2004).

The latest stage of the emigration of the Armenian population took place in 1990s because of difficult social and economic conditions aggravated by the war with Azerbaijan

over Nagorno-Karabakh, and the economic blockade imposed on Armenia by Turkey (Armenia - Diaspora Web Site 2003)

The unity of the Armenian people has always been an indispensable condition for the security and well being of the Armenians in the Republic of Armenia, Nagorno-Karabakh and in the Diaspora. The impact of the Armenian Diaspora has been of great importance for the economic, social and cultural life of the newly independent Armenia. The Armenian Diaspora provided a powerful backing to the Armenian homeland throughout the process of recovery from the grave consequences of the earthquake of the 1988, the war in Nagorno-Karabakh, etc.

Bearing in mind the tragic episodes throughout the history of Armenia, as well as the fact that neither the Turkish government nor the Azeri leadership ever expressed remorse or regret over the ethnic cleansing of the Armenian minorities, the Armenian homeland attaches great importance to the issue of protection of the Armenian Diaspora that today constitutes eight million people, which is about 60% of the Armenian population residing worldwide[2] (BBC News 2007).

According to Chapter 1, Article 11 of the amended Constitution of the Republic of Armenia as of November 27, 2005,

> "…Within the framework of the principles and norms of the international law the Republic of Armenia shall contribute to fostering relations with the Armenian Diaspora, protecting the Armenian historical and cultural values located in other countries, advancing the Armenian education and culture" (Official Web Site of the President of the Republic of Armenia).

Moreover, as emphasized by the National Security Strategy of the Republic of Armenia (2007), the Republic of Armenia not only acknowledges the importance of the preservation of the national identity in the Armenian Diaspora, but also considers a decline in the Armenia-

[2] For comparison, the population of the Republic of Armenia as of July 1, 2008 as reported by the National Statistical Center (2008) estimates about 3 232,000 people, and the Nagorno-Karabakh population estimates about 137,000 people, according to National Statistical Service of the Nagorno-Karabakh Republic (2006).

Diaspora ties and cooperation as a threat to fundamental principles of the National Security of the Republic of Armenia (Ministry of Defense Web Site 2007).

Thus, the protection of the rights of the Armenian minorities in the host countries becomes very consistent with the objectives of the Armenian homeland, seeking to preserve the national identity of the Armenians living abroad and to strengthen the ties with the Armenian Diaspora. To do so, it has to create effective domestic mechanisms and make the best use of the international and regional instruments for protection of the rights of the national minorities.

Meanwhile, it should be mentioned that recognition, protection and promotion of the national minority rights is not only a priority issue for the Armenian homeland and host states. After the end of the Cold War the protection of minority rights has emerged as one of the most important areas of international norm-setting, leading to adoption of a number of international and regional legal documents devoted to protection of national minority rights (Minasian 2007).

The importance attached to national minority protection issues accounts for the fact that many international clashes and confrontations originate because the rights and freedoms of the national minorities are not appropriately protected by the host states. Furthermore, violation of minority rights may not only lead to a domestic conflict, but also evolve into an international or interstate confrontation, where the national minorities will have to strive for the right of nations for self-determination (Idem).

Understanding the importance of protection of minority rights the international community started to create legal instruments establishing norms and standards for national minority rights protection. The next two sections will study the existing legal instruments for minority right protection at the universal and regional levels.

Universal Instruments of Minority Protection: the UN framework.

Until recently the United Nations focused more attention on protection of other human rights and showed relatively less interest in minority right protection issues. However, as ethnic, racial and religious tensions have escalated, often fostered by violations of minority rights and endangered not only the economic, social and political stability of the States, but also that of the international community, the United Nations became more concerned about the national minority issues (UN Office of the High Commissioner for Human Rights 1998).

The United Nations' human rights protection system is based on treaties that acknowledge the obligations of the member states to respect, endorse and promote a wide range of human rights, regardless of race, color, gender, language, religion, political or other opinion, national or social origin, property, birth or other status (Idem).

Consequently, the United Nations instruments affording special protection to national minorities are: the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 (Art. 2), the Convention on Elimination of All Forms of Racial Discrimination of 1965 (Arts. 2 and 4), the International Covenants of 1966 on Civil and Political Rights (Art. 27), and on Economic, Social and Cultural Rights (Art. 13), the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992) etc. (Idem).

The *Convention on the Prevention and Punishment of the Crime of Genocide (1948)* can be regarded as one of the first United Nations legally binding instruments affording special protection to national minorities. It should be mentioned, that the term genocide was first used by Raphael Lemkin to describe the mass killing of the Armenians in Western Armenia, the Jews in the Nazi Germany and other mass atrocities. Lemkin made every effort to codify the concept in the international law in order to punish and prevent the crime of genocide: he revised and advised on the content of the convention, lobbied the UN delegates

to adopt it, and, finally, the Genocide Convention was unanimously adopted on December 9, 1948 by the UN General Assembly (Hyde 2008).

The Convention provides a definition of the term of "genocide", stating that:

"Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

a) Killing members of the group;
b) Causing serious bodily or mental harm to members of the group;
c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
d) Imposing measures intended to prevent births within the group;
e) Forcibly transferring children of the group to another group" (UN General Assembly 1948).

The twentieth century has witnessed a number of such horrible crimes. A bitter reminder is the Genocide of 1.5 million Armenians between 1915 and 1923 in Ottoman Turkey. However, Article 28 of the Vienna Convention on the Law of Treaties generally prohibits the retroactive application of treaties (UN International Law Commission 1980). In this respect, the Convention is proactive and cannot hold an individual criminal or state accountable for the events that happened before the entry of the Convention into force in January 12, 1951.

Nevertheless, it must be borne in mind that the Convention used the term "genocide" to describe the historical events that preceded the adoption of the Convention. Under the circumstances, according to the conclusion of the independent legal analysis, prepared for the International Center for Transitional Justice, the tragic events aimed at destruction of the Armenian population of Western Armenia "… viewed collectively, can be said to include all of the elements of the crime of genocide as defined in the Convention, and legal scholars as well as historians, politicians, journalists and other people would be justified in continuing to so describe them" (International Center for Transitional Justice 2002).

In this respect the Armenian homeland can lawfully refer to the Convention to describe the ethnic cleansings of the Armenian population of the Western Armenia in the beginning of the twentieth century and induce Turkey and other states of the international community to recognize the Armenian Genocide, as well as use the tool to prevent the similar crimes in the future.

A further measure adopted by the United Nations to advance human rights at the universal level is the *International Convention on the Elimination of All Forms of Racial Discrimination (1965)* (ICERD). The Convention affirms the necessity of protection against discrimination based on national or ethnic origin. Despite the fact that the Convention does not use the term "national minorities", Article 1 provides a definition of "racial discrimination", which fully corresponds to the concept. Thus, Article 1 of the Convention forbids:

> "…any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life" (UN General Assembly 1965, Art.1).

The convention is a legally-binding international document with established complaint mechanisms. All the member states are required to present regular reports to the Committee on Elimination of Racial Discrimination (CoERD) on how the rights specified in the convention are being realized. The Committee studies the reports and provides its recommendations (UN General Assembly 1965).

Besides the reporting mechanisms, the Committee, as provided by Article 11 of the Convention, can receive and investigate inter-state complaints about violations by the member states of the rights set forth by the Convention (UN General Assembly 1965).

However, the individual or group complaint mechanisms are optional for the member states. As provided by Article 14 of the Convention, only after the member states declare that they recognize the competence of the Committee on Elimination of Racial Discrimination (CoERD), the latter can receive and investigate complaints from individuals or groups of individuals, claiming that their rights provided by the Convention have been violated by the host States parties to the Convention (UN General Assembly 1965, Art.14).

Although the Convention imposes explicit obligations on the member states to prevent racial discrimination and the States have the obligation to accept the jurisdiction of the

Committee on Elimination of Racial Discrimination, the Committee is only an advisory body and its decisions do not have judicial power. Nevertheless, the importance of the Convention for the international legal system lies in the fact that it sets a peremptory norm against racial discrimination (Open Society Institute 1998).

Another United Nations mechanism that contains a more explicit recognition of minority rights is the *International Covenant on Civil and Political Rights (1966)* (ICCPR). According to Article 27 of the Covenant, "in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language" (UN General Assembly 1966).

However, the Covenant formulates the minority rights as negative rights[3] (Geldenhuys et al. 2004). The States Parties to the Covenant are obliged to ensure that all individuals under their jurisdiction enjoy their rights; and acknowledge the duty to correct inequalities to which minorities are subjected (Open Society Institute 1998).

The enforcement of the rights provided for by the Covenant is implemented by the Human Rights Committee that is in charge of investigating the reports presented by States Parties at regular intervals, making assessments of the human rights situation in the States and announcing their final observations that are not legally binding (Tomuschat 2008).

The First Optional Protocol to the International Covenant on Civil and Political Rights (1966) seems to increase the legal power of the Covenant, as it allows the individuals in member States after exhausting local remedies to file complaints with the Human Rights Commission to investigate the cases of violations of the individual human rights by the member states. However, the final recommendations of the Committee made under the First Optional Protocol to the ICCPR do not have binding legal power either. Thus, the States are

[3] For the purpose of the paper Negative rights are defined as the rights that oblige the state NOT TO deny, violate, or interfere with the minorities' rights and freedoms, whereas Positive rights require a state TO undertake special actions in order to promote and advance the minority rights (http://humanrights.wikia.com).

expected to demonstrate good faith complying with the observations and recommendations of the Committee (Tomuschat 2008).

The United Nations *International Covenant on Economic, Social and Cultural Rights (1966)* (ICESCR) is an additional legally binding international document providing for protection of national minority rights. Article 13 of the Convention recognizes the rights of all persons to education, which shall in turn enable them to participate in a free society, encourage understanding, tolerance and goodwill among all nations and all racial, ethnic or religious groups (UN General Assembly 1966, Art.13).

Until recently the Covenant had no established complaint mechanisms. However, on December 10, 2008 the United Nations General Assembly adopted the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008*) (Amnesty International 2008). The Protocol resembles the First Optional Protocol to the International Covenant on Civil and Political Rights in that it allows the individuals or groups of individuals who are nationals of the member states to file complaints with the Committee on Economic, Social & Cultural Rights, regarding violation of their rights provided for by the Convention. The Optional protocol will enter into force three months after it is ratified or acceded to by 10 states (UN General Assembly 2008).

According to Eide (2000), historically the attitude of the State towards its minorities can be described as elimination, forced assimilation, toleration, protection and promotion. Elimination, forced assimilation is completely unacceptable under the present international law. Although certain level of integration of national minorities is even necessary in every multi-national society, the minorities should be protected against imposed integration, assimilation or deprivation of the group identity (Eide 2000).

During the last decades the International community has come to the understanding that it is not enough to protect the national minorities, but it is also necessary to undertake special

positive actions to promote the rights of minorities, especially those that are essential for minorities to preserve their national identity and culture.

In this respect, the *United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (UN Decl. Min.) of 1992, adopted unanimously at the General Assembly, (including all represented States of the Americas), was a step forward in development of positive minority rights (Morel 2005).

Compared with Article 27 of the International Covenant on Civil and Political Rights, the Declaration describes the rights of persons belonging to minorities in a more positive language. According to the Declaration, the states "shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity." The legitimate interests of the national minorities, according to the Declaration, should also be considered in the policies and programs of the States (UN General Assembly 1992).

The Declaration is one of the most comprehensive international documents on national minorities. On one hand it reaffirms the obligation of the States Parties; on the other hand it sets out the rights of national minorities (Geldenhuys et al. 2004). The Declaration reaffirms five rights of people belonging to national, linguistic, and religious minorities:

1) profess and practice their own culture, religion and language;
2) be involved in cultural, religious, economic, social and public processes;
3) participate in decisions on their minority group both on national and regional level;
4) create and maintain their own alliances;
5) enjoy peaceful and friendly relations with other local minorities and nationals of other states to whom they are connected via national, religious and linguistic ties (UN General Assembly 1992)..

Although the Declaration exists in the soft law and has no binding power, it gives universal legitimacy to the issue of protection and promotion of national minority rights (Geldenhuys et al. 2004).

Tracking the progress of the legal framework allowing for protection of national minority rights at the universal level, we can state that there is an apparent evolution and strengthening of legal instruments on protection of national minority rights at this level. Despite the progress, it should be mentioned that the framework only provides for basic rights for minority protection, and still lacks positive group rights and effective enforcement mechanisms.

Regional Instruments of Minority Protection:

At the regional level the minority issues are reflected in the regional documents adopted by European, American, African and Arab States. Based on the geography of the states under the study the paper will concentrate on the European, Islamic and American regional frameworks:

a) The Council of Europe Framework. The Council of Europe determines a fairly exigent legal framework for its member states. The most important legal instruments include the European Convention on Human Rights and Fundamental Freedoms (1950), the European Charter for Minority Languages (1992), and the Council of Europe's Framework Convention for the Protection of National Minorities (1995).

States joining the Council of Europe are required to accept the obligations provided in *The European Convention on Human Rights and Fundamental Freedoms (ECHR)* and the whole package of its control mechanisms (Minasian 2007). The Convention and its six protocols define fundamental rights for the well-being of persons within the States in the European Council. The protocols ratified by member states differ in number, though it is obvious that States Parties should accept as many protocols as possible (Council of Europe 1950).

As amended by Article 34 of the Protocol 11, the Convention allows "any person, non-governmental organization or group of individuals" who claim that their rights have been

violated by a member state to lodge a complaint in the European Court of Human Rights. The Court's decisions are legally binding for the member states (Council of Europe 1994).

Article 9 of the Convention summarizes the members' obligation with regard to freedom of thought, conscience and religion which are prerequisite to a democratic society, whereas Article 10 reaffirms the right to freedom of expression and the right of minorities to publish their newspaper or have other media without intervention by the State or other entities. What is more, the State takes the responsibility to tolerate free expression of the minority group, even in cases if it questions the political structure of the State (Council of Europe 1950).

Nevertheless, the only explicit reference to national minorities can be found in Article 14, prohibiting discrimination "…on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status" (Council of Europe 1950, Art. 14).

Protocol 1 to the Convention requires protecting the right to education of the children that belong to the minority groups, since education is an important tool in preserving the national identity. Thus, the States Parties to the Convention undertake to revere the right of parents to give their children education in accordance with their religious and philosophical beliefs (Council of Europe 1952).

Furthermore, under Protocol 1 a member state is not allowed to remove the right to education in the minority's mother language if it existed previously in the state. However, it does not provide for the right to education in mother tongue, although refusal to approve textbooks written in the minority's language can be regarded as violation of the right to freedom of expression. Thus, if the state prohibits a textbook, it should have solid legal grounds for justifying its actions (Council of Europe 1952).

Article 3 of the Protocol 4 prohibits expulsion of nationals, either individually or in groups from the territory of the State of which the individual is a national. Similarly, no one can be denied access to the State of which he is a national. According to Article 4 of the same Protocol, expulsion of a group of aliens is also forbidden (Council of Europe 1963).

Consistent with Protocol 12 of the ECHR (2000), which is another step towards setting positive group rights, discrimination refers not only to the cases when an individual or a group is treated worse than another group. If a minority and a majority are treated alike, this can be considered as a discrimination against the minority. Thus, the States should take positive measures to enhance the status of a minority group (for instance to encourage their participation in the democratic processes). According to the European Court of Human Rights, the majority can not accuse the State of discrimination. However, the best policy a state should achieve is to find the right balance between its attitudes towards these groups (Council of Europe 2000).

It is noteworthy that Article 2 of the Protocol 12, allows the States to ratify the Protocol also on behalf of other territories under the condition that it accepts the responsibility for applications regarding infringement of the rights and freedoms guaranteed by the European Convention and Protocols, filed with the European Court by individuals, nongovernmental organizations or groups of people that populate those territories, as provided by Article 34 of the Convention (Council of Europe 2000).

The European Charter for Regional or Minority Languages (1992) adopted by the Committee of Ministers of the Council of Europe addresses specifically the protection of minority languages. The Charter focuses on the cultural role of language and seeks to protect and promote the cultural diversity and historical legacy of the European countries, as well as allows the minorities to speak their language in private and in public. According to the Charter, the official language(s) and regional or minority languages should not be in competition, but

should coexist in “intercultural” and “multilingual” society where each language has its own place and complements to the cultural diversity and development of the State (Council of Europe 1992).

Article 1 of the Charter defines the concept of “regional or minority languages” as the languages used traditionally within a certain territory of a state by citizens of that state who form a numerically smaller group than the rest of the state’s population; are different from the official language(s) of that state; include neither dialects of the official language(s) of the state nor the languages of migrants (Idem).

Part II of the Charter sets forth a common core of principles regarding the regional or minority languages, whereas Part III describes measures aimed at promotion of the use of regional or minority languages in public life. It is noteworthy that the Charter does not specify the list of European languages that are considered regional or minority languages, and the states have the authority to chose the minority languages to which particular measures specified in Part III can be applied, as well as they can determine which measures shall apply to which language (Idem).

Under the Charter the states undertake the obligation to ensure that minorities enjoy the possibility of using regional or minority languages in the field of education, mass media, economic, cultural and social life, in the court, administrative authorities, public services etc. (Idem).

The European Charter for Regional or Minority Languages provides for a monitoring mechanism to evaluate the implementation of the Charter by States Parties. The central monitoring body is the Committee of Independent Experts that can make recommendations for improvements in legislation, policy and practice of a given state (Idem).

Each State Party must submit a periodical report to the Secretary General of the Council of Europe every three years describing the policies and measures they follow to

implement the undertaken commitments. Furthermore, once every two years the Secretary General presents regular reports regarding the realization of the provisions of the Charter by States Parties to the Parliamentary Assembly. As a result, the members of European parliament are informed about the extent to which the Charter is applied and can use political pressure to encourage national governments to take appropriate measures (Idem).

The Council of Europe's *Framework Convention for the Protection of National Minorities* (1995) is legally binding for the Member States of the Council of Europe that are party to the Convention. The Preamble to the Framework Convention reaffirms that the previous conflicts in European history are a result of inefficient treatment of minorities. Learning from the previous mistakes, it is necessary, to pay special attention to promotion of national minority rights, so as to ensure stability, democratic security and peace in Europe (Council of Europe 1995).

Along with restating the link between democracy and minority rights, the Framework Convention recommends the States Parties to adopt a number of positive measures in order to promote all-encompassing equality of the national minorities. The Framework Convention advocates that the states should respect and create appropriate conditions allowing to protect the national minorities in the field of public use of their language, mass media, education, relations with public authorities, and the effective involvement of national minorities in public affairs, especially in issues concerning the minority group per se (Council of Europe 1995).

The mechanisms used for monitoring the degree of adherence of states to the Framework Convention include the Opinions of the Advisory Committee and Resolutions of the Committee of Ministers of the Council of Europe. Even though the Committee of Ministers is responsible for monitoring the implementation of the Framework Convention, it lacks enforcement mechanisms for considering the recognized violations (Open Society Institute 1998).

To sum up, the legal instruments in the European Regional Framework provide for a wider range of rights for protection of the national minorities, than does the Universal Regional Framework. Moreover, the rights are described in a positive language of promotion and advancement of minority rights. The Council of Europe further provides a more exigent legal framework with effective enforcement mechanisms.

b) Islamic Regional Legal Framework:

In the last quarter of the 20th century the Islamic world has commenced to establish its own regional human rights institutions adding to the international system for protection and enforcement of human rights. Among the major regional documents regarding the protection of human rights in Islamic countries are the Universal Islamic Declaration of Human Rights (1981), the Cairo Declaration on Human Rights in Islam (1990), and the Arab Charter on Human Rights (1994).

The Universal Islamic Declaration of Human Rights (1981) (UIDHR) adopted by the Islamic Council of Europe can be considered as an effort to reconcile the universal human rights standards with the Islamic culture. The Declaration has no binding power and can be regarded as the first major attempt to protect the minority rights in the region. The Declaration starts by reaffirming the right to equality and prohibiting discrimination: “All persons are equal before the Law and are entitled to equal opportunities and protection of the Law” (Islamic Council of Europe 1981, Art.3 (a)).

The Declaration contains a separate article devoted to national minorities. Article 10 states: “The Qur'anic principle "There is no compulsion in religion" shall govern the religious rights of non-Muslim minorities” and further continues that “In a Muslim country religious minorities shall have the choice to be governed in respect of their civil and personal matters by Islamic Law, or by their own laws” (Islamic Council of Europe 1981, Art.10).

Although the Article does not address such issues as cultural, linguistic, social, economic and other rights of minorities, the article is noteworthy, as it provides a theoretical background for minorities to enjoy a certain level of religious and administrative autonomy (Islamic Council of Europe 1981).

The Cairo Declaration on Human Rights in Islam (1990) was adopted by the member states of the Organization of the Islamic Conference, which includes the following countries under the study: Iran, Lebanon, Turkey, and Syria (Organization of the Islamic Conference 2008). The Cairo Declaration is usually viewed as an Islamic equivalent of the United Nations Universal Declaration of Human Rights. However, it diverges from the Universal Declaration of Human Rights in major aspects, since the Cairo Declaration recognizes only those human rights that do not contradict the Shari'ah law (EuropeNews 2007).

As reflected in Articles 24 and 25 of the Cairo Declaration, all rights and freedoms are "subject to the Islamic Shari'ah" and the Shari'ah "is the only source of reference" for interpreting the Cairo Declaration (Islamic Council of Europe 1981, Art. 24, 25). This brings to a number of discrepancies between the human rights standards set by the United Nations legal framework and the norms provided for by the Islamic regional legal framework.

To begin with, Article 5 (a) provides that "Men and women have the right to marriage, and no restrictions stemming from race, color or nationality shall prevent them from exercising this right" (Organization of the Islamic Conference 1990, Art. 5). However, the article does not provide for freedom of marriage for people of different religions, which is prohibited by Shari'ah (EuropeNews 2007).

Consequently, Article 9 declares that the State holds the obligation to ensure that its citizens get Islamic education. It also charges the State with the duty to ensure that the education it provides does not conflict with Islam. Meanwhile, the Declaration does not say

anything about the education of religious minorities that have faith other than Islam (Organization of the Islamic Conference 1990).

Another discrepancy with fundamental human rights standards can be traced in Article 19 (a) of the Cairo Declaration, which states: "All individuals are equal before the law…" However, it is known that under Shari'ah women, non-Moslems and nonbelievers do not have equal opportunities. In court, for example, according to Shari'ah legal system the testimony of a Muslim man is equal to the testimony of two Muslim women or that of two non-Muslim men (Littman 1999).

Finally, Article 19 (d) of the Cairo Declaration states: "There shall be no crime or punishment except as provided for in the Shari'ah" (Organization of the Islamic Conference 1990). Meanwhile, it should be mentioned that Shari'ah law envisages such punishments as amputation of hand, beating, stoning to death and decapitation (Ar-Rahmani 2005).Under the circumstances the Cairo Declaration, as well as the Shari'ah law are in conflict with Article 5 of the Universal Declaration of Human rights, which protects against "torture or cruel, inhuman or degrading treatment or punishment" (United Nations 1948, Article 5).

In other words, as remarked by Littman, whenever the Cairo Declaration refers to human rights, it makes a reservation, saying that the mentioned rights must be exercised in accordance with Shari'ah (Littman 1999).

To diminish the discrepancy between the United Nations and Islamic frameworks, according to Littman, the English version often differs from the Arabic version and deliberately provides a milder framing to the human rights protection issues than the original documents (Littman 1999). Moreover, there are different translations of the Cairo Declaration into English. Thus, for example, one of the translations of Article 1(b) of the Cairo Declaration says that "All human beings are Allah's subjects…", while another translation provides that "All human beings are God's subjects…" From the first translation it can be

inferred that the Declaration does not include non-Muslims, while the second translation also embraces the non-Muslim population who believes in God (Organization of the Islamic Conference 1990, Translations 1 and 2).

An important achievement in the field of minority right protection in the Islamic countries is the adoption of the *Arab Charter on Human Rights (1994)* by the League of Arab States, which did not come into force until March 2008. The Charter contains provisions set forth by the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and the Cairo Declaration on Human Rights in Islam regarding the protection of civil, cultural, economic, political and social rights. Unlike the declarations that exist in the soft law, the Arab Charter on Human Rights has a binding power for the member states of the Arab League that have ratified the Charter (League of Arab States 1994).

Article 1.1 of the Charter guarantees all peoples the right to self-determination, the authority to be in charge of their natural resources, the right to choose the favored political structure and the right to development in economic, social and cultural life (League of Arab States 1994, Art.1.1).

Moreover, as prescribed by Article 1.2, "Racism, Zionism, occupation and foreign domination pose a challenge to human dignity and constitute a fundamental obstacle to the realization of the basic rights of peoples. There is a need to condemn and endeavor to eliminate all such practices" (League of Arab States 1994, Art.1.2).

States Parties to the Charter are obliged to make sure that the people under its jurisdiction enjoy the rights and freedoms, provided by the convention, without any discrimination based on "… race, color, sex, language, religion, political opinion, national or social origin, property, birth, or other status…" (League of Arab States 1994, Art.2).

Furthermore, as provided by Article 37, the minorities should have the right to enjoy their culture and have access to teachings of their religious beliefs (League of Arab States 1994).

Summing up, the analysis of the legal instruments for protection of national minority rights at the Islamic level shows that the Islamic framework provides a set of negative rights protecting against discrimination. Furthermore, although the adoption of the Arab Charter on Human Rights contains universal provisions, the human rights set forth by the Islamic Regional Framework still diverge and sometimes conflict with the universal human rights standards, as the Shari'ah law in Islamic countries is prevalent to the universal human rights standards.

c) Inter-American regional framework:

Protection of the human rights in the Americas is ensured by the Organization of American States (OAS) founded in 1948, through a comprehensive system of standards, institutions, and procedures. OAS has a membership of 35 states, among them Argentina, Canada, and the United States of America. Besides a wide scope of political, security, and economic issues OAS actively serves to promote and protect the human rights in the region (United Nations 2001, Pamphlet br. 5).

Three of the most important legal instruments for protection of national minorities within the OAS framework are the American Declaration of the Rights and Duties of Man (1948), the American Convention on Human Rights (1969), and the Inter-American Declaration on the Rights of Indigenous People (1995).

The inter-American human rights system started with the adoption of the *American Declaration of the Rights and Duties of Man* in 1948. Although, the Declaration is not legally binding and has no enforcement mechanisms, both the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights recognize that it creates politically binding legal obligations for the OAS member states (United Nations 2001, Pamphlet br. 7).

It is worthwhile mentioning that the first chapter of the Declaration sets forth the "rights" the state should guarantee to its citizens, whereas the second chapter provides for the "duties" of the citizens towards their states (Ninth International Conference of American States 1948).

The Declaration addresses a broad range of human rights, among them the right to freedom of investigation, opinion, expression and dissemination, right to the preservation of health and to well-being, right to education, right to the benefits of culture, right to nationality, right to participate in government, right of association, etc. Although the Declaration has no special provisions regarding minorities, Article 2 of the Declaration provides that "All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor" (Ninth International Conference of American States 1948, Art.2).

Furthermore, Article 3 provides for the right to religious freedom and worship, stating that "every person has the right freely to profess a religious faith, and to manifest and practice it both in public and in private" (Ninth International Conference of American States 1948, Art.3).

Another tool for protection of human rights in the region is the *American Convention on Human Rights (1969)* (ACHR) or the Pact of San Jose, adopted by the Organization of American States. While the Declaration is applicable to all OAS member States, the Convention is binding only on those states that have ratified it (Organization of American States 1969).

The convention also has particular enforcement mechanisms. The bodies in charge of monitoring the compliance of the States with the Convention are the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, both of which are organs of the Organization of American States (OAS). According to Article 44, of

the ACHR, Individuals, group of persons and NGOs can bring petitions before Inter-American Court of Human Rights (Organization of American States, 1969, Art.44). At the same time, Article 61 of the Convention allows only states to submit a case to the Inter-American Commission on Human Rights (Organization of American States, 1969, Art. 61).

It is noteworthy that neither the American Declaration of the Rights and Duties of Man nor the American Convention on Human Rights has separate provisions regarding “national minorities”. Compared with the Universal and European regional structures, which provided for the rights and freedoms of the nationals and citizens of the states, the American Convention on Human Rights goes one step further by conceptualizing the rights of a “person" as the rights of “every human being.” As provided by the prefaces of the both documents “the essential rights of man are not derived from the fact that he is a national of a certain state, but are based upon attributes of his human personality” (Organization of American States 1969).

Under Article 1 of the Convention States Parties undertake the responsibility to respect and protect the rights and freedoms provided for by the Convention and to make sure that all the people under their authority can freely and fully exercise those rights and freedoms “without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition” (Organization of American States 1969, Art.1).

Additionally, according to Article 12 of the Convention, the States have a duty to provide for freedom of conscience and religion and grant parents or guardians the right to provide religious and moral education of their children in accord with their own convictions. The Article continues on forbidding any restrictions on a person’s freedom to maintain or to change his religion or beliefs (Idem).

Article 13 of the Convention provides for freedom of expression except for any agitation of national, racial, ethnic, or religious intolerance that may bring to aggression against any human being or group of people, and provides that the mentioned offences will be punished (Organization of American States 1969, Art.13).

The Inter-American Declaration on the Rights of Indigenous People (1995) recognizes the rights of indigenous people in three main interconnected areas: 1) self-determination, sovereignty and self-government; 2) territories and resources; and 3) political participation (MacKay 2004). Although the Declaration has no binding power, it emphasizes that the States Parties should protect the rights of the aboriginal people to shared action, to freely exercise their culture, to profess and practice their religion, to speak their languages. The states are required to take positive steps to bring these commitments into practice in public broadcasting, education and the public utilization of indigenous languages (Geldenhuys et al. 2004).

Summarizing the Inter-American regional legal framework it can be inferred that the legal instruments at this level bring about a wide range of positive provisions and legal obligations for the States Parties to protect and promote human rights within their territories. Moreover, the legal instruments protect not only the rights of the nationals of the states, but those of every human being. The framework also provides efficient enforcement mechanisms to ensure the compliance of the member states with the legal provision of the Inter-American regional framework.

Ratification of the Legal Documents by the States:

a) Universal Instruments of Minority Protection: the UN framework

The study showed that most of the United Nations universal legal instruments containing provision for the basic human rights have been ratified by the states under the study (see *Appendix One)*.

According to the International practice, the states signing, ratifying or acceding to a multilateral treaty can make reservations, if they are not ready to comply with certain provisions (United Nations 1999). Analyzing the ratification of the treaties by the States, the paper will address mainly the major reservations relevant to minority rights protection issues.

Thus, all the states under the study have ratified or acceded to the International Convention on Elimination of All Forms of Racial Discrimination (1965) (ICERD). The United States have ratified the Convention with a list of reservations particularly concerning the adoption of special legislation on human rights protection issues, as the Constitution and the laws of the United States already provide for these rights (United Nations Treaty Collection 2002).

However, only six of the thirteen countries have recognized the competence of the Committee on Elimination of Racial Discrimination (CoERD) to receive and investigate complaints from individuals or groups of individuals. These states are Argentina, Georgia, France, Poland, Russian Federation, and Ukraine (see *Appendix One*) (United Nations General Assembly 2007).

Accordingly, the International Covenant on Civil and Political Rights has been ratified or acceded to by all the member states under the present study. However, France made a reservation regarding Article 27 of the International Covenant on Civil and Political Rights, stating that the Constitution of the French Republic fully provides for the rights protected by the Article (United Nations 2002).

With regard to the First Optional Protocol to the International Covenant on Civil and Political Rights, as illustrated in the *Appendix One*, the United States of America, as well as the four countries of the Islamic regional framework under the study - Iran, Lebanon, Syria and Turkey,- have not ratified the treaty (UN General Assembly 1966, ICCPR-OP1). This means that the mentioned states have not recognized the authority of the Human Rights

Commission to investigate the cases of violations of the individual human rights filed with the Human Rights Commission by the individuals and to make recommendations (Tomuschat 2008).

The International Covenant on Economic, Social and Cultural Rights has been ratified by all the states under the present study (see *Appendix One*). However, Turkey has made a reservation regarding Article 13 of the Covenant, stating that "The Republic of Turkey reserves the right to interpret and apply the provisions of the paragraph (3) and (4) of the Article 13 of the Covenant on Economic, Social and Cultural Rights in accordance with the provisions under the Article 3, 14 and 42 of the Constitution of the Republic of Turkey" (United Nations 2002).

The Council of Europe Framework

The European Convention on Human Rights and Fundamental Freedoms, as illustrated in *Appendix Two*, has been ratified by Armenia, France, Georgia, Poland, Russia, Turkey and Ukraine. However, Turkey has signed but never ratified Protocol 4 regarding the expulsion of nationals, either individually or in groups from the territory of the State of which the individual is a national. Furthermore, the table demonstrates that Russia and Turkey have signed, but never ratified Protocol 12. In addition, France and Poland have neither signed nor ratified Protocol 12.

Although the Convention was ratified with reservations by Armenia, France, Russia and Ukraine, the reservations are mainly made on the provisions of Articles 5 and 6, so that the articles do not conflict with the Disciplinary Regulations of the Armed Forces provided by the domestic regulation of the states. Thus, the provisions do not affect the overall compliance of the States with the national minority protection standards set forth by the Convention.

The European Charter for Minority Languages, as it can be seen in Appendix Two, has been ratified by two of the Member States of the Council of Europe under our study, namely Armenia and Ukraine. While, France, Poland and Russia have only signed the document, Georgia and Turkey have neither signed nor ratified it.

Finally, as illustrated in *Appendix Two*, the Framework Convention for the Protection of National Minorities was ratified by Armenia, Georgia, Poland, Russia and Ukraine. Conversely, France and Turkey have not ratified the convention, nor have they signed it.

b) Islamic regional framework

Unlike the declarations that exist in the soft law, the Arab Charter on Human Rights has a binding power for the member states. However, as illustrated in *Appendix Three,* from among the four countries of the Islamic regional framework under the study only Lebanon and Syria have ratified the Arab Charter of Human Rights and undertook the obligations mentioned in the Charter together with 20 other countries of the Arab League (League of Arab States 1994).

c) Inter-American regional framework

The American Convention on Human Rights of 1969 has been ratified by thirty-five States that have agreed to respect and ensure the human rights specified in the Convention. However, as illustrated in Appendix Four, among the States of the Americas under the study only Argentina has signed and ratified the Convention. Although the treaty is open for ratification to all OAS member states, it has not been signed or ratified by Canada, and the United States signed it in 1977 but has not proceeded with ratification so far (Organization of American States 1969).

The foregoing analysis of the ratification of the universal and regional standards allows making assumptions regarding the behavior of the states in respect to international human rights protection issues. However, the universal and regional levels do not provide a

sufficient foundation for making a judgment regarding the level of adherence of the states to minority rights protection issues. For example, Canada did not ratify the American Convention on Human Rights, but it does not mean that the Country is negligent to minority rights protection issues, as the country has codified a set of positive rules and affirmative action programs aimed at protection and promotion of national minority rights in the domestic law, namely the Canadian Charter of Rights and Freedoms (Canadian Constitution Act 1982).

There is no doubt that many of the findings and suggestions should prompt more questions than answers. To make the picture complete and to have a more comprehensive understanding of a country's adherence to the national minority rights protection issues it is necessary to study also the domestic legal norms and standards that regulate the rights and obligations of the States regarding the protection of national minorities. Furthermore, it is necessary to examine the real-life application of the universal, regional and domestic standards by the state.

Universal/UN Framework versus Regional Standards:

The principal objective of the Universal Declaration of Human Rights and other documents adopted by the United Nations was to create a framework for universal human rights standards. The detailed study of the foregoing international legal instruments allows comparing and contrasting the United Nations universal human rights standards with the legal instruments at the Regional level and making the following assumptions:

To begin with, the national minority protection instruments at the United Nations level, as well as those at the Islamic Regional Framework are mainly formulated as negative rights of non-interference. In contrast, the Council of Europe and the Inter-American Frameworks provide positive rights, not only protecting but also promoting the rights of national minorities, considering equal treatment of minorities and majorities as discrimination against

minorities. Moreover, the Council of Europe and the Inter-American Frameworks address a wider range of minority rights protection issues, and provide a more complete package of enforcement mechanisms.

Furthermore, the main strength of the Council of Europe and the Inter-American Frameworks against the UN framework lies in their binding enforcement mechanisms.

Finally, the United Nations formulated the minority rights protection issues and gave them universal legitimacy. The Council of Europe Framework and the Inter-American regional frameworks comprise the general concepts that are in line with the democratic principles advocated by the United Nations framework, and at the same time they include the rights not covered or covered inadequately in the United Nations international documents. Thus, the UN framework provides a minimum and basic standard foundation on which the Council of Europe and Inter-American regional frameworks were built, taking into account the regional and political peculiarities.

Nevertheless, it should be mentioned that despite the mentioned differences there are no major contextual discrepancies between the UN framework on one hand and the Council of Europe and the Inter-American Frameworks on the other. This, however, cannot be true for the Islamic regional framework. It proved to be very difficult for Islamic countries to come into compliance with the universal human rights standards formulated in the United Nations framework, since those are often in conflict with the Islamic Law – the Shari'ah.

Accordingly, while the Islamic regional framework is often criticized for considering Shari'ah as superior to universal human rights standards and for restrictive guidelines in regard to certain fundamental rights and freedoms, such as freedom of religion, freedom of speech, equality between men and women etc., the UN Universal Declaration of Human Rights is criticized by the Islamic countries for being unable to consider the cultural and religious specificities of the Islamic States (Littman 2003).

Despite the criticism, the Universal Islamic Declaration of Human Rights and the Cairo Declaration on Human Rights and especially the Arab Charter on Human Rights should be considered as an important step forward in the promotion of human rights standards in the region, and an attempt to reconcile the Islamic perception of human rights issues with the western perspective.

Conclusions and Recommendations

In view of the fact that the promotion and protection of the rights of persons belonging to national minorities add to political, economic, and social stability of the states, the international and regional organizations nowadays increasingly address the minority rights protection issues and create specific legal instruments for protection of the minority rights in the host states. While some of the instruments make significant steps in merely describing and tackling the cases of discrimination of national minorities, others also provide binding mechanisms of compliance for the member states.

Under the circumstances, the international and regional organizations should first of all engage the states in extensive cooperation on the issue of minority rights protection and ensure that not only effective monitoring, but also enforcement mechanisms are in place. This will allow enhancing the transparency and the compliance of the states to the minority right protection norms and standards. Furthermore, the states should be encouraged to adopt constitutional provisions and laws regarding minority protection issues.

Armenia has a homogenous population consisting of about 98 percent of ethnic Armenians (U.S. Department of State 2005). Nevertheless, Armenia should actively participate in minority rights protection initiatives both at the international, regional and domestic levels and take into serious consideration the international and regional minority rights protection standards. Furthermore, Armenia should not only recognize and protect the

rights of people belonging to national minorities, but also take positive actions to promote the rights of the national minorities (mostly Yezidi, Kurds, Russians, and Assyrians).

Showing compliance with the universal, regional and domestic legal standards on minority protection at the national level Armenia should further tailor policy approaches at regional and international levels to ensure the protection of the rights of the Armenian Diaspora in the host countries. For this purpose it should undertake the following initiatives:

1. Develop governmental strategies and policies for urging the government of the host states to ratify the international and legal documents providing for protection to national minorities. Organize lobbying activities through Armenian representations, embassies and communities in the host countries.
2. Sign bilateral treaties with other States, allowing for protection of the minority rights within the states parties to the treaties.
3. Reconcile the international legal norms with domestic political structures; lobbying for inclusion of the international and regional standards in the constitutional and legislative arrangements of the host countries.
4. Monitor the compliance of the host countries with their international, regional, domestic obligations on minority rights protection, report on the abuse of the Armenian minority rights based on national origin, ethnicity, religious conviction, or group affiliation.
5. Institute the position of an Attaché on Diaspora issues in each Armenian representative office (Armenian Embassy or Consulate) of the host states where the representatives of the Armenian diaspora may report cases of discrimination. The Attaché on Diaspora issues should ensure effective protection against discrimination, providing professional legal consulting on minority rights protection issues and

recommending further measures, as appropriate, for the promotion and protection of the Armenian national minorities.

6. Increase the level of awareness of the Armenian diaspora regarding the rights they enjoy within the host state, and improve the access of the Armenian national minorities to information by producing a larger number of news and educational programs through print and electronic media.
7. Publish special brochures that will summarize the content of the universal and regional legal documents and provide clear-cut explanation and interpretation of the provisions and mechanisms regarding the protection of the national minority rights. The brochures should be in Armenian and in the state language of the host country.
8. The Ministry of Diaspora should closely cooperate with the Armenian Diaspora abroad to facilitate the preservation of the cultural identity and promote non-discriminatory development of the Armenian communities abroad and effective political and economic participation of the Armenian Diaspora in the host countries

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Appendix One: Ratification of the United Nations International Documents.

The United Nations Framework							
N	**State**	**CPPCG (1948)**	**ICERD(1965)**	**CoERD**	**ICESCR (1966**	**ICCPR (1966)**	**ICCPR-OP1(1966)**
1.	**Armenia**	23 Jun 1993 [a]	23 Jul 93 [a]	-	13 Dec 93 [a]	23 Sep 93 [a]	23 Sep 93
2.	**Argentina**	5 Jun 1956 [a]	04 Jan 69	*	08 Nov 86	08 Nov 86	08 Nov 86 [a]
3.	**Canada**	3 Sep 1952	15 Nov 70	-	19 Aug 76 [a]	19 Aug 76 [a]	19 Aug 76 [a]
4.	**France**	14 Oct 1950	27 Aug 71 [a]	*	04 Feb 81 [a]	04 Feb 81 [a] (R)	17 May 84 [a]
5.	**Georgia**	11 Oct 1993 [a]	02 Jul 99 a	*	03 Aug 94 [a]	03 Aug 94 [a]	03 Aug 94 [a]
6.	**Iran**	14 Aug 1956	04 Jan 69	-	03 Jan 76	23 Mar 76	-
7.	**Lebanon**	17 Dec 1953	12 Dec 71 [a]	-	03 Jan 76 [a]	23 Mar 76 [a]	-
8.	**Poland**	14 Nov 1950 [a]	04 Jan 69	*	18 Jun 77	18 Jun 77	07 Feb 92 [a]
9.	**Russian Federation**	3 May 1954	06 Mar 69	*	03 Jan 76	23 Mar 76	01 Jan 92 [a]
10	**Syrian Arab Republi**	25 Jun 1955 [a]	21 May 69[a]	-	03 Jan 76[a]	23 Mar 76[a]	-
11	**Turkey**	31 Jul 1950 [a]	16 Oct 02	-	23 Dec 03(R)	23 Dec 03	-
12	**Ukraine**	15 Nov 1954	06 Apr 69	*	03 Jan 76*	23 Mar 76	25 Oct 91
13	**USA**	25 Nov 1988	20 Nov 94 (R)	-	05 Oct 77	08 Sep 92	-

I. Notes:

The dates listed refer to the date of ratification, unless followed by an "a" which signifies accession.

* indicates that the state party has recognized the competence to receive and process individual communications of the Committee on Elimination of Racial Discrimination under article 14 of the ICERD.

(R) indicates that the state party has made a reservation on Article(s) regarding protection of the rights of national minorities.

II. Abbreviations:

(1) **CPPCG** -Convention on the Prevention and Punishment of the Crime of Genocide
(2) **ICERD -** International Convention on the Elimination of All Forms of Racial Discrimination
(3) **CoERD** - Committee on Elimination of Racial Discrimination
(4) **ICESCR -** International Covenant on Economic, Social and Cultural Rights (CESCR)
(5) **ICCPR** - International Covenant on Civil and Political Rights (CCPR),
(6) **ICCPR-OP1 -** The First Optional Protocol to the International Covenant on Civil and Political Rights

III. Source:

UN Office on 1) http://www.unhchr.ch/pdf/report.pdf).
2) http://www.unhchr.ch/html/menu3/b/treaty1gen.htm).

Appendix Two: Ratification of the Council of Europe International Documents

Council of Europe Framework											
No	State	European Convention on Human Rights and Fundamental Freedoms (1950)						European Charter for Regional or Minority Languages (1992)		Framework Convention for the Protection of National Minorities (1995)	
		Extent of ECHR	Right of petition to ECtHR	Convention Ratification	Protocol No 1	Protocol No 4	Protocol No 12	Signature	Ratification	Signature	Ratification
1.	**Armenia**	With Reservations	Yes	26/04/02	26/04/02	26/04/02	17/12/04	11/05/01	25/01/02	25/07/97	20/07/98
2.	**France**	With Reservations	Yes	03/05/74	03/05/74	03/05/74	-	07/05/99	-	-	-
3.	**Georgia**	Full	Yes	20/05/99	07/06/02	13/04/00	15/06/01	-	-	21/01/00	22/12/05
4.	**Poland**	Full	Yes	19/01/93	10/10/94	10/10/94	-	12/05/03	-	01/02/95	20/12/00
5.	**Russia**	With Reservations	Yes	05/05/98	05/05/98	05/05/98	(S)	10/05/01	-	28/02/96	21/08/98
6.	**Turkey**	Full	Yes	18/05/54	18/05/54	(S)	(S)	-	-	-	-
7.	**Ukraine**	With Reservations	Yes	11/09/97	11/09/97	11/09/97	27/03/06	02/05/96	19/09/05	15/09/95	26/01/98

I. Notes:
The dates listed refer to the date of signature or ratification.
(S): Signature without reservation as to ratification.

II. Source:
Council of Europe Treaty Office on:
http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?MA=44&CM=7&CL=ENG

Appendix Three: Ratification of the International Documents in the Islamic Framework

No	*Country*	*Universal Islamic Declaration of Human Rights (1981)*	*The Cairo Declaration on Human Rights in Islam (1990)*	*Arab Charter on Human Rights (1994)*
1.	Iran	-	-	-
2.	Lebanon	-	-	May 2004
3.	Turkey	-	-	-
4.	Syria	-	-	May 2004

I. Notes:
The dates listed refer to the date of signature or ratification.
(N/B): The Declarations that have no binding power.

II. Sources:
1) Arab Charter on Human Rights on:
http://www1.umn.edu/humanrts/instree/loas2005.html?msource=UNWDEC19001&tr=y&auid=3337655

2) Arab Human Rights Index on:
http://www.arabhumanrights.org/en/countries/humanrights.asp?cid=19).

Appendix Four: Ratification of the International Documents in the Inter-American Framework

Organization of American States Framework					
No	*Country*	*American Declaration of the Rights and Duties of Man (1948)*	*American Convention on Human Rights (1969*	*Inter-American Declaration on the Rights of Indigenous People (1995)*	
				Signature	Ratification
1.	Argentina	-	-	02/02/84	08/14/84
2.	Canada	-	-	-	-
3.	USA	-	-	06/01/77	

I. Notes:
The dates listed refer to the date of signature or ratification.

II. Source:
United Nations. (2001) "Protection of Minority Rights in the Inter-American Human Rights System". United Nations Guide for Minorities (Pamphlet br. 5). (Webpage http://www.ohchr.org/Documents/Publications/GuideMinorities5en.pdf).