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“EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES” AND THE QUESTIONS OF GEORGIA'S LANGUAGE POLICY.

Introduction

The Government of Georgia, in accordance with the obligations taken before the European Council, signed "the Convention about the National Minorities"¹ in 27th January 1999. The Parliament of Georgia ratified this international document in 2005². In the same year, 1999, the Georgian Government accepted the responsibility to sign and confirm "European Charter for Regional or Minority Languages"(ECRML) and ratify it in 2000. However, it has not been done to these days.

The ratification of ECRML has been procrastinated in Georgia for its contradictory, not infrequently, and biased interpretations. Namely, on the basis of varied understanding of the Charter criteria the Georgian Government is offered to recognize, in the ECRML format, from ten to twenty regional or minority languages³. It should also be noted here that even in the leading European countries we encounter different interpretations of the Charter. And a part of European countries refuse to join it⁴.

Those countries that have already joined the ECRML can be presented in two different groups according to their approach to the compilation of their lists of the regional or minority languages. These are western European countries, on the one hand, and post-Soviet countries, on the other; in particular:

Ratification documents of the Western European countries have very few numbers of languages in their lists: the emphasis is made on the autochthonic ethnic and language minorities whose language is not a state (national) language and is under the threat of elimination (see, for instance, the variants of UK, Finland and Spain).

¹ <http://portal.coe.ge/downloads/conventions/ETS-157%20Framework%20Convention%20for%20the%20Protection%20of%20National%20Minorities.pdf>

² http://www.parliament.ge/index.php?lang_id=GEO&sec_id=543

³ For example, according to the recommendations provided in the report by Tomasz Wicherkiewicz and his Georgian co-authors read to the public in the office of the Georgian Government and of the Ombudsman the Provisions of the Charter should cover the following twelve languages: Armenian, and Azeri, in accordance with articles of Part III; and Russian, Greek, Hebrew, Kurdish/Iezidian, Ukrainian, Chechen /Kistian, Assyrian, Avarian, and "non-written languages": Megrelian/Laz, and Svan – in accordance of the articles of Part II.(pp. 36-37)

⁴ According to the data of 2010 out of the 48 member states of European Council 24 states have ratified the "European Charter for Regional or Minority Languages"(Armenia, Germany, Finland Romania, Spain, Sweden, the Ukraine, the United Kingdom, Poland...); Nine countries have only signed the document (Azerbaijani, France, Italy, Russia...); fifteen countries have not yet formulated their positions (Georgia, Turkey, Greece, Lithuania, Estonia, Belgium, Latvia, Portugal...). <http://conventions.coe.int/treaty/Commun/ChercheSig.asp?NT=148&CM=&DF=&CL=ENG>

In the post-Soviet space ratification documents, not infrequently, are attached long list of languages, where, quite illogically, there figures the Russian language (see, for example, Romanian, Polish and Armenian variants)⁵.

The aforesaid difference may arouse, not perhaps entirely groundless, suspicion of a Russian influence on the establishment of the attitudes of the post-Soviet countries in the interpretation of the ECRML.⁶

It is also worth mentioning that Russia makes active efforts to widespread inadequate linguistic and ethnic characterization of the Georgian population; the position of Russia is expressed in the type of language and ethnic analyses of Georgia as are presented by e.g. Yuri Koryakov, Artur Tsusteyev, Rustam Vakhitov and others who view a part of Georgians like Megreles, Acharians, Laz and Svans as non-Georgian ethnic groups⁷.

In the process of discussing the Charter recent publications confine to the two main debatable issues: First, declaring a part of the ethnic Georgians as language/ethnic minorities, and second, to determine the autochthony of the ethnic minorities. Namely, some foreign or Georgian experts deal with certain Georgian dialects as minority languages; and, in parallel, the same authors refer to different ethnic groups, - settled in the country for the purpose of changing demographic situation during Russian or other empire periods, - as Georgia's historical population and, correspondingly, their mother tongues are classed as "endangered languages of historical ethnic groups."

Let us examine how well these approaches are grounded?

In my opinion, in the first place, while discussing the problems of ethnic minorities, the following two questions should be separated:

Protecting endangered languages (the right of existence of the languages of the autochthonic minorities) and linguistic rights of minority representatives.

I would like to emphasize that ECRML is drawn up to solve the problems of the languages of the first type, that is, of the problems of languages of autochthonic ethnic minorities.

In relation to Georgia Dr. Jonathan Wheatley devoted one of the recent academic works to the Charter⁸: "Georgia and the Charter for Regional or Minority

⁵ <http://conventions.coe.int/Treaty/Commun/ListeDeclarations.asp?NT=148&CM=8&DF=04/09/2010&CL=ENG&VL=1>;
see: <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=148&CM=8&DF=04/09/2010&CL=ENG>

⁶ one may also consider the fact that for the long period of time the Head of the Charter Secretariat is Mr. Alexey Kozhemyakov. Alexey Kozhemyakov, Head of the Charter Secretariat, in 1971 graduated from IR faculty (majoring in Law) of the Moscow State Univ., in 1990 he became a doctor of sciences; in 1992 he was employed as a lecturer in the same university. He worked as Gorbachov's advisor and as a special advisor of the European Bank of Development and Reconstruction. After Russia's affiliation in the European Council in 1996, Kozhemyakov holds a high office—a position of secretary. He also headed Public and Private Law Departments and Regional and Minority Languages Decentralization Departments. Members of the Secretariat board: Mr Jörg Horn; Ms Stefania Kruger; Ms Simone Klinge; Ms Adina Nichifor; Ms Jackie Renaudin-Siddall; Ms Lia Tsitsuasvili. Address: Council of Europe, European Charter for Regional or Minority Languages; Directorate General IV - Education, Culture and Heritage, Youth and Sport F-67075 Strasbourg Cedex, France. Tel: +33 (0)3 88 41 31 86; Fax: +33 (0)3 88 41 27 88; E-mail: minlang.secretariat@coe.int; <http://portal.coe.ge/index.php?lan=ge&id=youth&sub=0>; European Council Culture Department; http://www.coe.int/t/dg4/education/minlang/secretariat/default_en.asp

⁷ For the criticism see, T. Putkaradze, "European Charter for Regional or Minority Languages" and the issue of planning the language policy in Georgia, Kavkasiologiuri Seria, V, Tbilisi, 2009.

⁸ http://www.oei.fu-berlin.de/en/projekte/cscqa/project_team/research_team/jonathan_wheatley.html

Languages”.(ECMI Working Paper # 42; 2009, p.8). Further, I will construct my reasoning in this report in consideration of the aforesaid paper.

Dr. J. Wheatley names nineteen ethnic or language minorities *‘that clearly fit the criteria provided in Article 1: Abkhazian, Azeri, Armenian, Russian, Ossetian, Kurmanji, Ukrainian, Chechen, Urum Turkish, Pontic Greek, Assyrian neo-Aramaic, Bohtan neo-Aramaic, Avar, Batsb, German, Polish, Estonian, Lithuanian and Bulgarian’*⁹.

In relation to Dr. Jonathan Wheatley’s qualifications of the languages I have a few questions. I will discuss and answer three issues in this report:

1. Are Megrelian, Svan and Laz minority languages or the varieties of the state language – Georgian?

Indefinite quantity of historical sources and the present data confirm that for many and many centuries the Georgian language has been the mother tongue of Megrels, Svans and Laz and, correspondingly, compared with the common Georgian language their Secondary Idioms - formed due to the emergence of phonetic and morphological differences from the principal language - cannot be regarded as separate languages. They are the varieties of the state language of Georgia, which is the mother tongue of all the ethnic Georgians.

2. Are Azeri and Armenian endangered languages?

The Charter is aimed at protecting from the elimination endangered historical, autochthonic ethnic group languages, as cultural phenomena, in a given state.

In consideration of all the inquiries and data we can state firmly that neither in Georgia nor in their corresponding countries, adjacent neighbors to Georgia, Azeri and Armenian languages suffer from no threats of elimination. Besides, the

linguistic rights of ethnic minorities are well defended also by legislation of Georgia; for instance, see the Constitution of Georgia", "Law of Georgia on Citizenship", "Law On names of Geographical Features in Georgia", "Law of Georgia on Advertising", "General Administrative Code" (Article 14), "Law of Georgia on Public Service", "Election Code of Georgia" (Tbilisi, 2008, Articles 27,4, 33, 51¹⁰, 92), "Law of Georgia on Education"¹¹, "Criminal Procedural Code of Georgia", "Civil

⁹ the rest of the four languages – Latvian, Czech, Gipsy and Moldavian do not presumably meet the criteria as they present considerably newly spread, by migrants, languages mostly during the Soviet period. Yiddish, which is spoken by a small number of Jewish population in Georgia, has been moved to the foreground as the language of the Jewish proletariat and this also cannot meet the criteria (J. Wheatley, 2009, pp. 8-10). In the Georgian translation there may be a technical error, for the list of languages to be protected by the Charter has in addition Latvian, Czech and Gipsy (J. Wheatley, 2009, pp. 8-10).

¹⁰ 10. Cf.: Article 51.1 "A ballot paper shall be printed on the basis of the ordinance issued, and in accordance with the sample established by the CEC, in the Georgian language, and in Abkhazia – in the Abkhazian language, and if necessary – in any other language understandable for the local population".

¹¹ Article 4, paragraph 3. Citizens of Georgia for whom the Georgian language is not native language have rights to receive complete general education in their mother language, according to the national education program stated by the law. In the general education schools Georgian language is a mandatory subject and in Abkhazian Autonomous Republic, both official languages.

Procedural Code of Georgia", "The General Administrative Code of Georgia", "Law On Local Self-Government", and more.

Georgia also considers international legal documents on linguistic rights of diasporas and new migrants such as: "UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities"¹², "Oslo recommendations"¹³, "Lund recommendations"¹⁴, "Framework Convention for the Protection of National Minorities"¹⁵ and other international acts (which deal with the protection of linguistic rights of citizens of a state in question who belong to non-historical ethnic groups)¹⁶. Lately the Georgian Government has also adopted one more important document, namely, "the National Concept and Working Plan of Tolerance and Civil Integration", signed by the Prime-minister Nikoloz Gilauri, and published in 2009¹⁷.

In my observation in the post-Soviet space the interpretation of the Charter is quite often conditioned by unfair political approaches that is why for my further reasoning the definition of the principal term, "regional or minority languages," acquires essential importance.

According to the Article 1a of the Charter "regional or minority languages" means languages that are:

I. traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and

II. different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants;

In the Explanatory Report of the Charter (31 and 32 comments) we read: "The expressions "historical regional or minority languages of Europe" (see second paragraph of the preamble) and languages "traditionally used" in the state (Article 1, paragraph a) show clearly that the charter covers only historical languages, that is to say languages which have been spoken over a long period in the state in question".

This is then immediately followed by the further clarification: "These languages must clearly differ from the other language or languages spoken by the remainder of the population of the state. The Charter does not concern local variants or different dialects of one and the same language. However, it does not pronounce on the often

¹². Adopted at 47n Session, 3d February 1993 (www.diversity.ge/eng/resources.php?coi=01411111111).

¹³. The Oslo Recommendations Regarding the Linguistic Rights of National Minorities & Explanatory Note, February 1998 (deals with the linguistic rights of ethnic minorities: it defines how, in which form and where the languages of national/ethnic minorities could be used) <http://www.diversity.ge/files/oslo-geo.pdf>.

¹⁴. The Lund Recommendations on the Effective Participation of National Minorities in Public Life & Explanatory Note, September 1999.

¹⁵. <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=157&CM=8&DF=12/15/2008&CL=ENG>;

¹⁶. 16. Article 38: 1. Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging. In accordance with universally recognized principles and rules of international law, they shall have the right to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and in public. Article 85: Legal proceedings shall be conducted in the state language. An individual not having a command of the state language shall be provided with an interpreter.

¹⁷. http://www.epfound.ge/files/koncepcia_geo.pdf.

disputed question of the point at which different forms of expression constitute separate languages".

If the principles formulated by the Fathers of the Charter are taken as the point of departure then it is absolutely unambiguous that the "**European Charter for Regional or Minority Languages**" should be applied to those autochthonic or historical ethnic and language minorities and to those language minorities whose mother tongue is not a state language and these languages are endangered for oblivion. Considering certain circumstances, in Georgia such languages can be **Abkhazian and Ossetian languages** – the languages that have nowhere the prospect for facilitation and encouragement except in Georgia.

I would like to emphasize again that the chief conceptual principle of the Charter is "the recognition of the regional or minority languages as an expression of cultural wealth;" (Article 7.1 a). Leading out from this fundamental principle the languages of ethnic Azerbaijani (which according to some specialists is also discussed as a dialect of the Turkish language) and of Armenian peoples and of Russians living in Georgia are neither autochthonic nor endangered (the protection of the Russian language is proposed by the members of Mr. Wicherkiewicz group).

On the other hand, Georgian spoken dialects, namely, Megrelian, Laz, Svan, Taoian, Imerkhvian, Livianian, Khevsurian, Tushian, Mtiuletian, Rachvelian,...are really endangered with more or less graveness, particularly those in the list below (Taoian, Livianian, Imerkhvian, Rachvelian, Khevsurian) are dying before our eyes!

The Georgian Government acting from its mission proper and from the Constitution of the country is, all the same, obliged for the immediate care for not only Svan, Laz and Megrelian dialects but also for other speeches of the Georgian language, such as: Khevsurian, Tushian, Gurian, Rachvelian, Mtiulian, Pshavian, Meskhian, Javakhian, Imerkhvian, Livianian, Taoian... Qualitatively these speeches are in the same relationships with the common national literary Georgian language as Megrelian, Svan, and Laz(Chan) dialects. That is, these speeches are not the minority languages but the varieties of Georgian - the mother language of ethnic Georgians – the national/state language.

3. Dr. Wheatley, who has carried out great amount work for the study of the language situation in Georgia, considers Avarians as historical population of Georgia.

I think that this qualification is also debatable:

According to Dr. Wheatley's objective observation "The Udi (language) which is spoken in one village of Georgia Oktomberi in Kvareli district †is in serious need of protection and may become an extinct language". However, he thinks that "the presence of the Udi language on Georgian territory is not yet sufficient to be considered traditional, as it was brought in from Azerbaijan by migrants, who settled in Georgia shortly after the First World War, i.e. around 1920." (J.Wheatley, 2009, pp. 9-10).

As we have already noted Dr. Wheatley thinks that Part II of the Charter should be applied to the Avarian language.

I would like to note here that a few hundred families of Avarians (the same Khundz) were expatriated from Dagestan to Kvareli region of Georgia as work force during the *Kolektivization* by the Soviet Russian imperialist authorities (Nana Omarashvili, "Dagestanians Living in Kakheti", Tbilisi, 2009). Consequently, Avarian/Khundz language is not the language of the traditional population in Georgia. Avarians are autochthonic in Dagestan; in the last centuries they also settled in the historical Saingilo – in the western part of the modern Azerbaijani - in the regions of Belakani and Zakatala; and this language also does not suffer from any threat of extinction.

In Dr. Wheatley's argumentations the First World War is not, of course, mentioned at random: In Europe the First World War is one of the criteria for determining the age of minority autochthony.

The question is: How fair does it sound to accept the First World War as criterion for the determination of autochthony of Georgia's minorities when the country was occupied by Russia in 1801.

And during the two centuries Russia carried out imperialistic demographic policy throughout Georgia. For instance, in 1829, with rough humiliation and negligence of the interests of the Georgian population, Paskyevich brought Armenians from Turkey to Georgia to settle them in Javakheti. Earlier the similar demographic expansionary policies were carried out by the Ottoman and Iran empires. In terms of demographic expansionary policy the essential date for Georgia is the year 1555, when by the force of the truce concluded between Iran and the Ottoman empire in the city of Amasia the Georgian state was divided between the two countries. The Georgian kings and princes did not cease their struggle for independence; Since 1555 to these days different conquerors (the Ottoman empire, Iran and then Russia) at different times have been carrying out active anti-Georgian expansionary demographic policies (sending Georgians in exile and occupying their place by other ethnic groups) in order to annihilate the resistance of Georgians.

I think these facts must also be taken into consideration.

Thus, in the process of preparation of recommendations for the Georgian Government the historical dynamics of ethnic and language situation requires deeper and detailed investigation, and at the same time, it is desirable that the main concepts of the Charter and its explanatory part "endangered historical regional or minority languages" and "the language of historical ethnic minorities" be referred to and applied unchanged. Above all, the consensus should be achieved for the criteria according to which we will operate with these notions in order to distinguish in Georgia, like in other countries, between the "historical ethnic minorities" and "new ethnic minorities" who have the citizenship of the given state.

Conclusions

The "European Charter for Regional or Minority Languages" is a document of high rank and it has noble objectives: to safeguard the endangered minority languages from extinction. My idea is that not only the European countries but also the whole world should join the Charter. This prospect is also anticipated by the Fathers of the Charter and in the comment 32 they put it clearly that:

"These languages must clearly differ from the other language or languages spoken by the remainder of the population of the state. The charter does not concern local variants or different dialects of one and the same language. However, it does not pronounce on the often disputed question of the point at which different forms of expression constitute separate languages. This question depends not only on strictly linguistic considerations, but also on psycho-sociological and political phenomena which may produce a different answer in each case. Accordingly, it will be left to the authorities concerned within each state, in accordance with its own democratic processes, to determine at what point a form of expression constitutes a separate language".

I think that Georgia should follow the variant of the reading accepted for the United Kingdom, Finland or in other countries of traditional Europe. Logical criteria formulated in these countries are absolutely sound and the way of reasoning is compatible with Georgia's reality.

I have been working for almost ten years at the theme of the ECRML and have published three books and a few articles devoted to its issues. During the years of investigation some questions have received rigorous clarification and they do not seem to me debatable at whatever facets of approach. For instance, it is not for me a question of controversy that:

- **For Megrels, Svans and Laz, similarly for Khevsurs, Taoians, Acharans, Meskhs, Pshavians, Kartlians... historical mother tongue is the Georgian language and their local speeches are the varieties of the state language of Georgia and not separate languages;**

- **Russian, Azeri and Armenian are not endangered languages in Georgia; on the contrary, more actual for these language group peoples is the acquisition of the official language of Georgia for their integration into the state of whose citizens they are. Teaching the Georgian language should become the basis for the integration of ethnic minorities into the state.**

- **In determining the autochthony of ethnic minorities we should consider demographic expansionisms policies carried out by the occupants in Georgia under the condition of occupation (being banned by Geneva Convention).**

- **In conformity with the Part III the Georgian Government must pay particular attention to Abkhazian and Ossetian languages, because these languages do not have any prospects of survival in any other place of the world except Georgia. For example, in their main living place, that is, in the so-called North Ossetia (Russian Federation) there is not a single Ossetian language educational institution¹⁸.**

¹⁸ It is not necessary that the given state apply Part III of the Charter – historical minority language higher level of protection; namely, according to Article 2, the Charter does not oblige the parties to apply Part II and Part III of the Charter, as long as a contracting state is allowed to ratify the of the Convention even if it does not choose any particular language to extend the benefit of the provisions of Part III of the Charter. In such a case the state applies Part II of the Charter.(Cf.: Explanatory Report 42 and 49).

In accordance with the Part II of the Charter Udi and Assyrian languages must be taken under the care of the Georgian Government, for the reason that these new migrant languages have little perspective to survive in the other places of the world.

As for the Tsova-Tushian: the Georgian Government intends to take special measures not only for the due functioning of the Georgian national language but also for protecting the local speeches of the ethnic Georgians (Tsova-Tushian, Svan, Laz, Megrelian, Khevsurian, Rachan, Mtiul-Gudamakrian, Taoian, Imerkhevan, Livanian...). We are well-aware of the fact that apart from the rights of the ethnic minorities the matter of dignity for any state, and for Georgian state among them, is the protection of the status of the national language and the quality of care for maintaining its dialects.

Unfortunately, at the present level the status of the national language of Georgia is subjected to fair criticism; in this context in the post-Soviet Georgia more has been done in terms of the protection of rights of ethnic minorities than for the status of the state language.

P.S. Georgia declares that it is unable to guarantee the application of the provisions of the Charter in the territories occupied by Russia until these territories are liberated from that occupation.