

## **European Charter and the Issue of Regional or Minority Languages in Georgia**

### **Abstract**

The policy of international relations within the country, conducted by modern Georgian State is based on rich historical traditions of our country and on the fundamental provisions of the two documents approved by the world international organizations – **“European Charter for Regional or Minority Languages”** and the **“Framework Convention on Human Rights for Ethnic, Religious and Linguistic Minorities.”** Besides, the European documents give the prerogative to the authorities of concrete countries taking into consideration the democratic principles, to determine the criteria basing on which a certain language spoken in the territory of this or that country will be given the status of an independent language.”

It was natural that Russian occupation of Georgia had left its trace in every area of the social life in the country. The people of different nationalities living in Georgia always preferred their children to go to Russian schools which were widely spread all over the country and restrained the area of using the Georgian language. Additionally, it conditioned the low level of civil identification. This in its turn caused the situation in which the ethnic groups living in Georgia perceive themselves as the representatives of their historical homeland, and not as the members of the Georgian society. This is such situation which represents the main peculiarity of Georgia in comparison with Western civilized countries. If the mentioned situation is not taken into deliberate consideration, conducting the right policy of international relations within the country will not be successful.

After restoring the independence of Georgia, the motivation to learn the Georgian language has increased among the national minorities living in Georgia. The situation is improving slowly but steadily. **The State Language regains its due position which means that the linguistic situation in the country is returning to its natural position.**

One part of population of ethnic Armenians (in Javakheti) and Azerbaijanians (in Kvemo Kartli) on the ground of the wrong interpretation of the Charter and other related European documents have been insisting on announcing their native languages as the regional ones. It would be the great and unforgivable mistake, while, the Georgian State does everything to deepen the integration of non-Georgian population of these regions in linguistic, cultural, political or economical spheres.

Moreover, when the local non-Georgian population show great interest and try to replace the Russian language by Georgian, and when such politics has already shown positive results, introducing the status of regional languages in the mentioned territorial entities will decrease the

motivation of learning the Georgian language by non-Georgian population and will impede the ongoing process of integration.

On the base of analysis of the conflicts having happened recently, it is not difficult to predict the results of such politics: **introducing the status of regional languages will encourage the segmentation of Georgia, will support separatistic attitudes and all this will consequently bring new conflicts. The main sufferers from such situation will be the population of the regions themselves. Thus, instead of improving the situation, which by no doubt is the aim of the Charter, we will receive totally opposite results.**

**Keywords:** *European Charter, ethnic minority, Diaspora, regional languages.*

The culture of international relations of Georgian nation, its tolerant spirit with other people have been practiced for many centuries. Through all the ancient years of history of Georgia there are no facts of riots or other kinds of violence against Jewish or any other nationalities living in the country. The national minorities living in Georgia were always able to afford their own cultural development, keep their traditions and national identity, use their own language. The Georgian State always respected people with different religious confessions. The clear example of it is the existence of Orthodox Christian, Gregorian, Catholic Christian churches, also Islamic mosque and Jewish synagogues just on 200 square meters in the capital city of Georgia.

Georgian State policies of interrelations between different nations base on rich historical traditions of the country and on the fundamentals documented in the different conventions adopted by the international organizations.

On November 5, 1992 “**European Charter for Regional or Minority Languages**” was adopted in Strasbourg. On December 18, 1992 by the UN resolution #47/135, **the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities** was adopted in New York. Based on this declaration on November 1, 1995 the European Council adopted the “**Framework Convention on Protection of the Minorities**”. In 1995, “**The Recommendations on the Educational Rights of the National Minorities**” were developed in Hague. Three years later, the document on defending minority languages followed, known as “**Oslo Recommendations Regarding the Linguistic Rights of the Minorities**” (**February, 1998**), which in details describes the linguistic rights of the society belonging to the national minority in the given State.

According to the Charter, the ethnic minorities have rights to open kindergartens, schools and higher institutions in their native language (Article 8); the State is obliged, if requested, to conduct the court proceedings on criminal, civil or administrative cases in the native language of the minorities; the evidences whether written or oral should not be considered

unacceptable because they are formulated in the regional or minority language; the court also is obliged to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translators involving when the documents are settled in the state language. The Charter also obliges the States to accept appeals for hearing formulated in the minority language (Article 9); the local authorities should ensure that all kinds of applications and documentation are available in the regional or minority languages or are bilingual (Article 10)); States parties to the Charter should ensure at least one

radio and one television channel broadcast in regional or minority languages or envisage programmes in the broadcasting structure to be delivered in the regional or minority languages. The same regulations refer to newspapers. Besides, the States parties to the Charter should organize free radio or television broadcasting from the neighboring countries, in the language which is identical or similar to the language of the given minority (Article 11); the parties of the Charter undertake to facilitate and foster accessibility of the scientific or literary works written in the language of the minority using different means for this; the authorities are obliged to give a proper place to cultural works of minorities in the international cultural relations of the State (Article 12); the parties of the Charter are obliged to eliminate any provision from the legislation prohibiting or limiting without justified reasons using of the regional or minority languages in the documents related with the economic or social life; they are obliged to restrict the practice aimed against using the regional or minority languages in the economic or social activities; they should enable and promote trans-frontier cooperation between governmental or local authorities on the territories of which the same language is used in identical or similar form (Article 13) and so on.

But herewith neither the European Charter nor other above mentioned documents explain such ethnical-linguistic terms as: autochthonous population, language of a national minority, dialect and others.

European Charter and other documents about the minority languages caused serious controversies in opinions in many of the European States.

Lithuania, Latvia and Estonia consider that the European Charter relates only to the autochthonous languages. To their opinion, the principles of the Charter cannot be spread over the ethnic groups, which were inhabited in the territories of the above mentioned countries only some decades ago with special political regards. Up today, the only official language of Estonia is Estonian, though in some municipality where the Russian speaking population represents the majority, the administration provides bilingual services for the local population in the different spheres of everyday life.

Ratification of the European Charter became the subject of violent discussions in Ukraine as well. Many experts in this country consider that the main goal of the Charter should be to defend not the languages of national minorities but those languages that are under the risk of disappearing.

On 7 May, 1999 signing the European Charter almost caused political confrontation in France. French Constitutional Court blocked ratification of the Charter. The Court considered that the principles of the Charter were controversial with the French Constitution, according to which the official language of the whole territory of the country and the state institutions is French. According to the evaluation given by the Constitutional Council to the requirement of the Charter about the specific rights of the certain linguistic groups is controversial with the integrity of the country, equality before the law and the idea of integrity of the French people. On 29 November 2002, by the resolution of the State Council the law was abrogated about bilingual teaching at schools, colleges and lyceums.

The State Council decided that it went beyond the frames of studying the regional language and accordingly decreased the function of French as a state language. By the regulation dated on 12 May, 2003, it was prohibited to teach any separate subject in any regional language without any exception.

Despite the above mentioned, the French Government acknowledges the rights of the regional and minority languages but only in the limited framework (without applying official status for them). The main agency of the French language was renamed into `The main agency of the French language and the languages of France`. The term “the languages of France” was implemented though no other language except French has got the official status.

What is the reason of such cautious attitude of one part of European states in the matter of joining these documents?

The fact is that despite holding the wide discussion on the issue of national minorities and their languages, there is no settlement found and no shared position achieved so far among the member states of the European Union. That is why some European countries (Austria, Estonia, Germany, Luxemburg, Russia, Slovenia, Switzerland, Denmark, and Macedonia) made some comments and remarks conditioned by the specifics of their own country, or named definitely those minorities towards which they were going to apply the provisions of the Charter and of the Framework Convention.

Georgia joined the European Charter and the Framework Convention without any stipulation of conditions in 2000. On October 13, 2005 the Parliament of Georgia ratified the Framework Convention; as for the European Charter, its ratification is still suspended due to the increasing protest expressed by the Georgian society.

According to the documents by the European Union, the variation of the state language and the language of migrants should not be referred to as the minority languages. Namely, in the first paragraph, clause **a**, part II, and also in the 32<sup>nd</sup> explanation, it is clearly underlined: **“Regional/minority languages do not imply (do not include) the variations of the state language, dialects and the languages of migrants.”**

It follows hereof that European states consider only aborigineous autochthonous minorities as national and linguistic minorities. For example, some millions of Turkish people born in Germany are not regarded as minorities of this country. Despite quite long history of existing Turkish diaspora in Germany, Turks are viewed there only as migrants. We have the same picture in France where the Algerians born in this country remain being migrants there; the same about England where the Hindu origin people also have the similar status and so on. Resulting from its specific conditions, only the USA represents an exception in this respect.

Sometimes the unusual interpretations made by the experts or the authorities can be seen towards this question; e.g. to the government of Poland the “national minority” is a nationality having its national state somewhere but living in Poland (for example, Germans in Poland) and the ethnic minority is an ethnic group of people not having its sovereign national State and live in Poland (for example the Gipsies). Some experts consider Armenians living in Poland as an autochthonous minority. And the strangest thing is that the ancient Armenian language which disappeared long ago is recognized as the language of that group.

The Charter does not provide the definition of the notion “linguistic minority”. It doesn’t either define **“under what circumstances a certain mode of expression may be considered as a separate language”**. It only provides its own vision about the general definition of the regional or minority language: **The adjective "regional" refers to the languages spoken in a limited part of the territory of a State, within which, moreover, they may be spoken by the majority**

**of the citizens. The term "minority" refers to situations in which either the language is spoken by persons who are not concentrated on a specific part of the territory of the State or it is spoken by a group of persons, which, though concentrated on part of the territory of the State, is numerically smaller than the population in this region which speaks the majority language of the State.**

**“The Charter gives the prerogative to the authorities of the given country, taking into consideration the democratic principles, to determine the criteria basing on which a certain language spoken in the territory of this country will be given the status of an independent language” (the Explanations, 18).**The European Charter clearly defines that the State should care first of all about those languages which are under the threat of extinction.

Are the languages of ethnic groups living in Georgia under such threat?

Languages of ethnic groups living in Georgia like Assyrian, Udi, Avar, Kurdish and Abkhazian are not protected outside the country. All other minorities have either State or some entity outside Georgia, and they care about preserving the languages of their ethnos. There is not and cannot be any development of such languages as Russian, Azerbaijani or Armenian and other languages like them which have full opportunities of development in their native countries and as for their Diasporas their role is to preserve their native languages and speak fluently and not develop them.

This is how the majority of European States perceives the European Charter that excludes giving the regional language status to the mentioned groups. Despite such situation in Georgia we face the wrong interpretation of above mentioned documents, not only by the ethnical or language minorities themselves but by the part of non-governmental organizations as well and even by the high authorities. For example, one part of the Armenians living in Georgia, in Javakheti region have been steadily pleading for years to announce Armenian a regional language in two regions of Georgia - Ninotsminda and Akhalkalaki, basing on the wrong interpretation of the European Charter. The former majority of the Georgian Parliament, being nihilistic to national problems, was close to satisfy this request. In his telegram dated on September 29, 2008 to Washington, the Ambassador of the USA John Taft considers the request of ethnic Armenians living in Georgia “legal”, namely, to declare Armenian the regional language in Georgia. In 2013 the deputies of Akhalkalaki municipal assembly put the question in the Parliament of Georgia to ratify the European Charter.

Unlike the European States, the level of civil society self-identification is very low. This causes that ethnic groups living in Georgia recognize themselves as representatives of their historical homeland and not as the members of the unified Georgian society. The existence of compact dwelling places of ethnical minorities very close to the borders of their historical Homeland also impedes the formation of their civic identity. The European Charter recognizes the right to education in the native language and during the long period of time we sincerely applauded ourselves for a large number of

non-Georgian schools in the country because we regarded this fact as a clear indication of defending the rights of minorities. But it has appeared that a large number of such schools seriously impedes learning of the State language among the groups of ethnic minorities. In fact

through non-Georgian schools the government prepares immigrants out of its citizens, as a result of which they do not have a chance of successful career within the country because all types of documentation, radio and television broadcasting are in the state language, great number of journals and newspapers are printed in the state language too, consequently the people who do not know Georgian or have a poor knowledge do not have a chance to realize their capabilities. Thus, the only way out of this situation is to migrate. The alternative is to form such a micro-space, where you can get along your way easily without the Georgian language. That is the real reason of the Armenian population in Javakheti who asks to give the Armenian language the regional language status from time to time.

The existing practice of giving education to people does not support forming a common civil space. We mean the practice when some people grow up and learn on the basis of the heritage of Shota Rustaveli and Ilia Chavchavadze (Georgians), on the epos of David Sasunts (Armenians), on the poetry by Pushkin and Lermontov (Russians) and the others on the basis of values given in the Koran or Shariat order (Azerbaijanians). The major educational space of the country should be based on the usage of the main ethnos of the state. This is the only way to reach the social-political unity of all the citizens of the state.

It should be noted that there are far larger compact places in Russia inhabited by ethnic Armenians (Rostov-on the -Donn, Moscow, Armavir and others); also in the USA (Los Angeles), in Argentina, France and other countries. Though the Armenians don't have schools in their native language in none of these countries. And that's not because the local government is against of it - the Armenians are free to open their schools in their compact dwelling places - but they do not want it because they clearly understand that without a good knowledge of the local state language they do not have any chance of success and prosperity.

Georgia is an exception from this point of view. This is a result of being a part first of the Tsarist Russia and then of the USSR. All over the territory of this vast state all kinds of official documents - the records management, law proceedings, and personal documentation - was kept in the Russian language and that's why all ethnic minorities living in Georgia were doing well without knowing the Georgian language. The good knowledge of the Russian language gave a priority to the Armenians in comparison of Georgians. because in offices and enterprises the priority was given to those who spoke Russian well. Today Georgia is an independent and sovereign country. Now the proceedings are taking place in Georgian throughout the country and consequently it requires from non-Georgian people to study the state language. National minorities living in Georgia understand this, but the old practice is persistent.

The situation is improving slowly but steadily. This is clear from the example of Akhaltsikhe district. In the Soviet period there were only two Georgian schools in Akhaltsikhe with about one thousand pupils in each. There also were two Russian schools with six hundred pupils in each and one Armenian school with eight hundred pupils.

Certainly, the children of Russian officers serving in the Soviet Army went to Russian schools but the great number of pupils were the children of ethnic Armenians from Akhaltsikhe. After restoring the independence of Georgia, the number of Russian contingent at schools substantially decreased - Russian officers with their families left the city (and the country); as for the Armenian pupils, one part of them was distributed to the Armenian school and the other to

Georgian schools. In 2000, the contingent of Akhaltsikhe Armenian school Number 3 went up to one thousand, and the number of pupils at Georgian schools also increased. Later, the number of pupils at Armenian school began to decrease. According to the data of the 2016-2017 Academic year the contingent of the Armenian school comprises 640 pupils. Nowadays not only the contingent of Georgian schools but the number of schools themselves grow significantly. Now there are three Georgian schools in the town: №1, №5, and №6 - with 932, 1391 and 284 pupils correspondingly. Today only one Russian school out of two is functioning. At the Russian sector of that school there are 152 pupils and at the Georgian - 155 pupils.<sup>1</sup>

It is clear that the increase of the contingent of Georgian school pupils happened at the expense of pupils from Armenian and Russian schools. It should be said that this process is going on in Akhaltsikhe district without any violence and discrimination. Cooperation of the mixed Georgian-Armenian population in the Akhaltsikhe district has harmoniously developed for many decades and is a true example of international coexistence. Georgia is slowly but gradually returns to the practice practiced in Western civilized countries.

The motivation of non-Georgian population towards learning the Georgian language has been growing since restoring the independence of Georgia. The large part of national minorities tries to solve the problem of knowing the state language by sending their children to Georgian schools though they face the problems there as well. The parents do not know Georgian and cannot help their children to do the lessons even in the elementary school. Most non-Georgian children do not know the state language while starting school. Because of this, at the beginning they are behind the Georgian students in studying. They are self-esteemed also; Because of the low academic performance of non-Georgian children, the teacher is forced to weaken the requirements for them; In most cases teachers do not know the language of non-Georgian children, which makes it difficult to communicate between them and so on.

After restoring the independence of Georgia two ethnic conflicts burst in Georgia. Surely, the conflicts in Abkhazia and South Ossetia had their political backgrounds but it should be said that ethnic and linguistic problems also blew up those conflicts.

Therefore, it is essential for the Georgian State to develop the long term strategy for the language politics, which will consider the specific measures to defend equally the status of State languages (Georgian and Abkhazian) and the languages of ethnic minorities.

Thus, considering the above mentioned, we think it is clear that Georgia should implement the requirements of the European documents (**“European Charter for Regional or Minority Languages”** and **“Framework Convention on Protection of the Minorities”**) only on the basis of deliberate consideration of the local specifics. Assigning the status of regional languages to the Armenian (in Javakheti district) and Azerbaijanian (in Kvemo Kartli), in the circumstances when the Georgian State do not spare the efforts to support integration of non-Georgian population of

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<sup>1</sup>. There was one Georgian residential school also functioning in the town but its contingent was represented by the pupils from all over the region.

<sup>2</sup>. At so called “baggage station” district there is also one elementary school functioning with two sectors - Armenian and Georgian in which today only 28 pupils are enlisted.

the regions in the linguistic, cultural, political or economical spheres, when the local non-Georgian population show great interest and try to replace the Russian language by Georgian, and when such politics has already shown positive results, introducing the status of regional languages in the mentioned territorial entities will decrease the motivation of learning the Georgian language and will impede the ongoing process of integration. Based on the analysis of the recent conflicts it is easy to predict where such processes will lead to. Introducing of the status of regional languages will encourage the segmentation of Georgia, will support separatistic attitudes and all this consequently will bring new conflicts. The main sufferers from such situation will be the population of the regions themselves. Thus, instead of improving the situation, which by no doubt is the aim of the Charter, we will receive totally opposite results.