

Georgia and the European Charter for Regional or Minority Languages

Wheatley, Jonathan

Arbeitspapier / working paper

Empfohlene Zitierung / Suggested Citation:

Wheatley, J. (2009). *Georgia and the European Charter for Regional or Minority Languages*. (ECMI Working Paper, 42). Flensburg: European Centre for Minority Issues (ECMI). <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-106961>

Nutzungsbedingungen:

Dieser Text wird unter einer Deposit-Lizenz (Keine Weiterverbreitung - keine Bearbeitung) zur Verfügung gestellt. Gewährt wird ein nicht exklusives, nicht übertragbares, persönliches und beschränktes Recht auf Nutzung dieses Dokuments. Dieses Dokument ist ausschließlich für den persönlichen, nicht-kommerziellen Gebrauch bestimmt. Auf sämtlichen Kopien dieses Dokuments müssen alle Urheberrechtshinweise und sonstigen Hinweise auf gesetzlichen Schutz beibehalten werden. Sie dürfen dieses Dokument nicht in irgendeiner Weise abändern, noch dürfen Sie dieses Dokument für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, aufführen, vertreiben oder anderweitig nutzen.

Mit der Verwendung dieses Dokuments erkennen Sie die Nutzungsbedingungen an.

Terms of use:

This document is made available under Deposit Licence (No Redistribution - no modifications). We grant a non-exclusive, non-transferable, individual and limited right to using this document. This document is solely intended for your personal, non-commercial use. All of the copies of this documents must retain all copyright information and other information regarding legal protection. You are not allowed to alter this document in any way, to copy it for public or commercial purposes, to exhibit the document in public, to perform, distribute or otherwise use the document in public.

By using this particular document, you accept the above-stated conditions of use.

**Georgia and the European Charter for Regional or Minority
Languages**

Jonathan Wheatley

ECMI Working Paper # 42

June 2009

ECMI Working Paper # 42
European Centre for Minority Issues (ECMI)
Director Dr. Marc Weller

Copyright 2009 European Centre for Minority Issues (ECMI)
Published in June 2009 by the European Centre for Minority Issues (ECMI)

ISSN: 1435-9812

Table of Contents

I. Introduction.....	4
II. Preservation of linguistic diversity in Georgia.....	8
1. The Scope of Part II.....	8
2. The Need for Protection.....	16
3. Protection under Part II of the ECRML.....	18
III. Language Rights and Civic Integration	22
1. Education.....	26
2. Administration of Justice.....	28
3. Public Administration.....	30
4. Media.....	31
5. Culture.....	34
6. Economic Life.....	35
7. Cross-Border Exchanges.....	36
8. Summary on the Application of Part III.....	36
IV. Conclusion.....	38
APPENDIX 1:	
The European Charter for Regional or Minority Languages.....	39

I. Introduction

Georgia is a multilingual and multi-ethnic society. A large number of minority languages are spoken in Georgia, including Abkhazian, Ossetian, Azeri, Armenian, Russian, Ukrainian, Kurmanji (Kurdish), Chechen (Kist), Ottoman Turkish, Pontic Greek, Syriac, Avar, Tsova-Tush and Udi. In addition, four distinct languages are spoken by the majority Georgian population – Georgian, Megrelian, Svan and Laz – although these are basically vernacular languages that are not normally written. According to Article 8 of the Georgian constitution, the official state language is Georgian, and in Abkhazia, also Abkhazian. Most minority languages are spoken only in certain regions of the country.

On being formally admitted to the Council of Europe (CoE) in April 1999, Georgia pledged to sign and ratify the European Charter for Regional or Minority Languages (ECRML) within a year of its accession. However, ten years after joining the CoE, Georgia has still neither signed nor ratified the Charter.

There are several reasons for the delay. First, during the latter days of the government of President Eduard Shevardnadze, which ended with the Rose Revolution in November 2003, the Georgian government had lost much of its earlier drive to integrate more fully into European structures. Georgia's accession to the CoE in 1999 had been masterminded by the European-leaning Chairman of Parliament, Zurab Zhvania. However, by the end of 2001, Zhvania and his allies were in opposition and for the increasingly isolated government of Eduard Shevardnadze, full participation in the Council of Europe was not a priority. Following the Rose Revolution, the pro-European policy orientation was restored and the Framework Convention for the Protection of National Minorities (FCNM) was ratified by Parliament in late 2005. However, despite taking this very major step, the Georgian government remains reluctant to ratify the ECRML.

Part of the reason for this protracted delay is public opinion amongst the majority Georgian-speaking population, which is also shared by many parliamentarians and government officials. Language is a highly politicised issue and Georgian as a language is bestowed with almost sacred status as a wellspring of the Georgian nation. The centrality of language within an exclusivist ethno-nationalist discourse reached its apogee during

Georgia's struggle for national independence in the late 1980s and early 1990s, but remains relevant today. At the same time, the continuing use of minority languages in Georgia is somehow seen by the Georgian majority as an aberration that needs to be corrected. This also dovetails with the notion that national minorities somehow represent a 'third column', whose loyalty to the state can never be guaranteed. The philosophical challenge for the majority Georgian population is to recognise that minority languages offer a source of cultural wealth for the country.

These ideological constructions are not the only reason why Georgia has been reluctant so far to sign the ECRML. There is also the very practical question of whether the goals of integration on the one hand, and promotion of minority languages on the other, can be reconciled. The main problem facing Georgia in terms of consolidating a community or demos, consisting of 'we, the people' is the absence of a common language that all 'the people' speak. This problem is one that is common to most, if not all, successor states to the USSR; however in Georgia, the problem has been especially severe due to the weakness of the state during the 1990s and early 2000s and the consequent failure to integrate geographically isolated non-Georgian speakers into the civic life of the country. According to the national population census of 2002, only 31% of members of national minorities in Georgia are able to speak Georgian fluently, compared with 19.5% in 1979.¹ This increase is extremely modest, especially since many members of national minorities left the country following independence and one would expect that those who had little or no command of Georgian would have had the greatest incentive to leave. It is therefore possible that even this modest increase (from 19.5% to 31%) may be more the result of emigration than an indicator of improving knowledge of the state language. Given the fact that nearly all media and state documents are written or broadcast in Georgian, many communities in which speakers of minority languages are concentrated and have little or no knowledge of Georgian find themselves in an informational vacuum with little idea of what is going on in their country. This applies especially to the Azeri and Armenian communities of Kvemo Kartli and Samtskhe-Javakheti, where minority language speakers have tended to associate more with the Azeri and Armenian 'cultural space' than to the Georgian.

¹ Sources: Sakartvelos Statistikis Sakhelmts'ipo Departamenti, *Sakartvelos Mosakhleobis 2002 Ts'lis Pireveli Erovnuli Saqoveltao Aghts'eris Shedegebi*; Tsenral'noie Statistichieskoi Upravlenie Gruzinskoi SSR, *Itogi Bciesoyuznoi Perepisi Nacielieniia 1979 Goda po Gruzinskoi SSR* (Tbilisi, 1980).

The solution to this problem of a lack of civic integration is the development of a truly multilingual society in which institutions encourage *bilingualism* rather than either isolationism or the eradication of minority languages from the public sphere. Incentives need to be provided to speakers of minority languages, especially the younger generation, to encourage them to learn Georgian and thereby integrate in the social, economic and political life of the country. At the same time, there is a need to reassure speakers of minority languages that the government genuinely values their language and culture and does not have a 'hidden agenda' to assimilate them.

Although, on the one hand, Georgian society has been characterised by a lack of civic integration and more or less separate development of large linguistic communities, namely Georgians, Azeris in Kvemo Kartli, and Armenians in Samtskhe-Javakheti, smaller linguistic communities have had few opportunities to maintain their cultural distinctiveness and may even feel that it is to their advantage to assimilate. This applies above all to the very smallest linguistic communities such as the Udis, Tsova-Tush, Avars and Assyrians that have few facilities to educate their children in their own languages. These minorities, unlike the Armenians and the Azeris, have no kin state to publicise their cause and few resources at their disposal to preserve their language. Therefore there is a need to take immediate and active steps to preserve these languages from extinction. Part II of the European Charter for Regional or Minority Languages provides a mechanism to do just that.

The rest of this paper is divided into two parts. First I look at the issue of preserving those regional or minority languages that are in danger of falling into disuse. This applies not only to the case of the languages of the national minorities listed in the paragraph above, but also to three regional Georgian (Kartvelian) languages, Megrelian, Svan and Laz, which are politically contentious because to grant them recognition as distinct languages would be seen as a threat to the coherence of the Georgian nation. The first part of the paper will look at ways of protecting all these languages through the mechanisms provided by Part II of the ECRML.

The second part of the paper will turn to those languages spoken by large, territorially compact national minorities, namely the Azeris and the Armenians. There is a need for concrete measures to support these languages in those areas in which they are

widely spoken. The challenge here is to promote their use in public life without undermining Georgian as the state language or impeding the integration of the Azeri and Armenian minorities into Georgian public life. For these languages we must consider how the provisions of Part III of the ECRML can be applied.

II. Preservation of Linguistic Diversity in Georgia

Probably the key conceptual principle enshrined in the ECRML is the ‘the recognition of regional or minority languages as an expression of cultural wealth’ (Article 7.1a). From this principle, it follows that the loss of a regional or minority language represents a loss to the cultural wealth of the country. Linguistic diversity is therefore seen as something valuable that needs to be preserved. It is the aim of this section of the paper to focus on the linguistic diversity of Georgia, first by considering what regional or minority languages exist in Georgia and thus defining the scope of Part II of the Charter, then by examining the threats they face and finally by looking at how Part II can be applied to these languages and how it may be able to protect and promote them.

1. The Scope of Part II

According to Jean-Marie Woehrling, Part II of the ECRML (i.e. Article 7) is meant to apply to *all* regional or minority languages.² However, this in turn begs the question of what constitutes a regional or minority language. Here, the key article is Article 1a, which states:

For the purposes of this Charter:

- a. ‘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 the state;

it does not include either dialects of the official language(s) of the State or the languages of migrants.

Table 1 (below) provides a list of all recognized languages used in Georgia, including those that most likely satisfy the criteria for regional or minority languages laid down in Article 1a of the ECRML as well as those that may not. Nineteen languages *clearly* fit the criteria provided in Article 1: Abkhazian, Azeri, Armenian, Russian, Ossetian, Kurmanji, Ukrainian, Chechen, Urum Turkish, Pontic Greek, Assyrian neo-

² Jean-Marie Woehrling, *The European Charter for Regional and Minority Languages: A Critical Commentary* (Strasbourg: Council of Europe Publishing, 2005).

Aramaic, Bohtan neo-Aramaic, Avar, Batsb, German, Polish, Estonian, Lithuanian and Bulgarian.

The Udi language may be considered a borderline case. Udi, which is spoken in one village of Georgia—Oktomberi in Kvareli district—is in serious need of protection and may become an extinct language if action is not taken. In fact, this language is only spoken in three villages altogether (the one in Georgia mentioned above and two in Azerbaijan). However, 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. Here, however, it is relevant to note that in its evaluation practice e.g. regarding Macedonian in Serbia and Czech in Slovakia, the ECRML Committee of Experts has considered languages that arrived around the end of the First World War as regional or minority languages. Accordingly, while the Udi language in Georgia may not qualify for protection under the ECRML today, it would within a short number of years.

Another four—Latvian, Czech, Romani and Moldovan—most probably do not satisfy the criteria as they are the languages of migrants that have arrived relatively recently, i.e. largely in the Soviet period. Yiddish, spoken by some members of Georgia's small Jewish population, was also promoted quite recently to the language of the Jewish proletariat and therefore probably does not fit the criteria either.

Table 1: Regional and Minority Languages in Georgia

Language	Language family	Spoken by	Number of mother tongue speakers³	Location
Azeri	Azeri subgroup, Turkic	Azeris	283,632	Marneuli, Bolnisi, Dmanisi districts (>50% of population). Also Gardabani, Sagarejo, Lagodekhi and Telavi districts (>10%).
Armenian	Thracian subgroup, Indo-European	Armenians	235,653	Akhalkalaki and Ninotsminda districts >90%, Tsalka district (>50%). Also Akhaltsikhe and Aspinda districts (>10%). Large numbers also in Tbilisi.
Abkhazian	Northwest Caucasian	Abkhazians	c. 3,500	Ajara, Tbilisi, Rustavi
Russian	Slavic subgroup, Indo-European	Russians, some other minorities, especially Tbilisi Armenians and Ossetians	83,007	All the main urban centres, especially Tbilisi; some rural areas especially in Kakheti and Ninotsminda district.
Ossetian	Iranian subgroup, Indo-European	Ossetians	31,381	Kakheti, Shida Kartli, Mtskheta-Mtiuleti
Kurmanji	Iranian subgroup, Indo-European	Kurds/Yezids	c. 10,000	Tbilisi, Telavi, other urban areas
Ukrainian	Slavic subgroup, Indo-European	Ukrainians	5,466	Main urban centres, especially Batumi

³ The numbers do not include populations who live in the breakaway regions of Abkhazia and South Ossetia, where the Georgian state has no authority and where up-to-date census figures are not available. Sources: (for speakers of Azeri, Armenian, Ukrainian and Russian) Sakartvelos Statistiki Sakhelmts'ipo Departamenti, *Sakartvelos Mosakhleobis 2002 Ts'lis Pireveli Erovnuli Saqoveltao Aghs'eris Shedegebi* (Tbilisi: 2003); (for others) estimates obtained from ECMI assessments 2006-09.

Chechen (Kist)	Nakh subgroup, Caucasian	Kists	c. 7,000	Akhmeta district, Tbilisi
Yiddish	Germanic, Indo-European	Jews	<1,000	Tbilisi, Gori, Kutaisi
German	Germanic, Indo-European	Germans	<1,000	Tbilisi, Rustavi, Batumi, Bolnisi
Polish	West Slavic, Indo-European	Poles	< 1,000	Mainly Tbilisi, but also Kutaisi, Batumi, Rustavi and Ahaltsikhe
Romani	Indo-Iranian, Indo-European	Roms	c. 1,500	Tbilisi, Rustavi, Kutaisi, Kobuleti
Urum Turkish	Turkic	Greeks	c. 1,500	Tsalka, Tetrtskaro districts
Pontic Greek	Indo-European	Greeks	c. 1,000	Isolated communities
Assyrian neo-Aramaic	Semitic	Assyrians (originating mostly from Iran)	c. 2,000	Tbilisi, Kanda village (Mtsketa district), Western Georgia
Bohtan neo-Aramaic	Semitic	Assyrians (originating mostly from Turkey)	c. 1,000	Gardabani, Tbilisi
Avar	Dagestanian, Northeast Caucasian	Avars	<2,000	Kvareli district
Batsb	Nakh, Northeast Caucasian	Tsova-Tush	<1,000	Akhmeta district
Udi	Lezgian, Northeast Caucasian	Udi	<500	Kvareli district
Moldovan	Romano-Germanic,	Moldovans	<1,000	Tbilisi

	Indo-European			
Estonian	Baltic-Finnic, Uralic	Estonians	<100	Urban areas
Latvian	Baltic, Indo-European	Latvians	<100	Urban areas
Lithuanian	Baltic, Indo-European	Lithuanians	<100	Urban areas
Czech	West Slavic, Indo-European	Czechs	<50	Urban areas
Bulgarian	South Slavic, Indo-European	Bulgarians	<150	Urban areas
Lezgin	Lezgif, Northeast Caucasian	Lezgins	<50	Urban areas
Megrelian	Kartvelian, Southern Caucasian	Georgians	c. 400,000	Samegrelo region, Tbilisi
Svan	Kartvelian, Southern Caucasian	Georgians	c.30,000	Mestia, Lentekhi districts, Kvemo Kartli
Laz	Kartvelian, Southern Caucasian	Georgians	<1,000	Sarpi, Kvariati and Gonio (Adjara)

Finally, we have three further ambiguous cases in which the ambiguity is based on whether we are dealing with languages per se or merely dialects of Georgian. These are Megrelian, Svan and Laz. These languages/dialects belong to the same (Kartvelian) subgroup of languages as Georgian but are sufficiently distinct from Georgian as not to be mutually comprehensible. Those speaking them consider themselves to be Georgians and virtually all can also speak Georgian fluently. By far the largest of these linguistic groups are the Megrelians, who inhabit the western province of Samegrelo and the Gali district of Abkhazia; there are estimated to be between 400,000 and 500,000 Megrelian speakers in

Georgia, around 10% of the total population of the country.⁴ The Laz language is mutually intelligible with Megrelian. Most Laz speakers live in present-day Turkey (where the language is known as Lazuri), although there are a few hundred in the Georgian border village of Sarpi and also some in the nearby settlements of Kvariati and Gonio. Speakers of the Svan language are concentrated in the mountainous region of Svaneti in north-western Georgia, home to over 20,000 inhabitants.

Megrelian, Svan and Laz are basically vernacular languages, although a few folkloric texts, such as the epic poem by Shota Rustaveli, ‘the Man in the Panther Skin’, have been translated into Megrelian using the Georgian script. There is a tendency amongst Georgian linguists, however, to consider these tongues as dialects rather than languages. This reluctance to recognise Megrelian, Svan and Laz as languages has strongly political undertones and is based on a fear that such a move could undermine the unity of Georgians as a single nation. Here the difference between dialects and languages is a crucial one as languages are entitled to protection under Part II of the ECRML, while dialects of the state language(s) are not.

The political sensitivity of this issue can be explained both by the psychological association in the minds of most Georgian between ‘nation’ and ‘language’ and by the way the issue of Megrelian identity has been dealt with in recent history. Throughout the medieval period and right up to Georgia’s incorporation into the Russian Empire in the beginning of the nineteenth century, Megrelian was the vernacular tongue spoken by most, if not all, inhabitants of Samegrelo and parts of what is now Abkhazia. The literary language in these regions, used by a small caste of ecclesiastical literati, was Georgian. In the late nineteenth century, Russian ethnographers began to classify Megrelians as a separate ethnic group from Georgians on the basis of linguistic differences with the rest of the Georgian community, provoking strong protests from Georgian intellectuals. This debate continued after the establishment of the USSR; in the first all-Union Census of 1926, Megrelians, Svans, Laz and Adjarans were classified as *narodnosti* (nations) of their

⁴ See Laurence Broers, “Who are the Mingrelians? Language, Identity and Politics in Western Georgia.” (Paper for the Sixth Annual Convention of the Association for the Study of Nationalities, 2001) at <http://www.bonetweb.com/caucasus/KV/OECAUC/mingrelians.pdf>.

own, separate from Georgians. At the same time (and continuing into the 1930s), a Megrelian press was established to disseminate Communist Party ideology to the local population. By the time the 1939 census was made, however, Megrelians were once again classified as Georgians and the Megrelian press had been phased out.⁵

Despite the fact that this attempt to classify Megrelians as a separate nation was abandoned, there remained the impression amongst Georgian intellectuals that Moscow was somehow conspiring to ‘divide and conquer’ the Georgian nation. The polemic surrounding the Megrelian question was rekindled after Georgia became an independent state. Following the war in Abkhazia, which resulted in Abkhazia gaining de facto independence from Tbilisi and the expulsion of around a quarter of a million Georgians, the Abkhazian side attempted to popularise Megrelian and even attempted to publish a Russian-Abkhaz-Megrelian newspaper in Gali district.⁶ The clear aim here was to encourage the few remaining Georgians in Gali district to identify themselves as Megrelians rather than Georgians, an undertaking viewed by the Georgian side as an act of hostility.

It is not surprising therefore that any talk of introducing mechanisms to promote the use of the Megrelian, Svan or Laz languages in Georgia is viewed with suspicion or even hostility from Georgian officials and intellectuals. Laurance Broers provides the following translation of an extract from a poem published in the journal *Literary Georgia* (*Literaturuli Sakartvelo*) in 1999 by the Georgian poet Murman Lebanidze:

Just as next to the mother-Mtkvari, the Chorokhi and Enguri,
The Rioni and Tekhuri, Iori and Aragvi,
So with language, - next to Georgian, Megrelian
Does not have the right to make its voice heard...⁷

The key question is therefore whether Megrelian, Svan and Laz are to be considered as regional languages, rather than dialects, and therefore entitled to protection under the

⁵ Broers, ‘Who are the Megrelians?’ Note that the Mtkvari is the river that flows through Tbilisi, while the others pass through other regions of Georgia.

⁶ *Ibid.*

⁷ *Ibid.*

ECRML. Formally speaking, “regional language” is not a notion in its own right under the Charter; it cannot be separated from the “indivisible” notion of “regional or minority languages”. In particular, “regional language” does not have the meaning of a “dialectal semi-language”. Nevertheless, some State Parties, such as Germany, the Netherlands and Poland (see below), see it as such and choose to protect languages whose speakers do not consider themselves as members of national minorities.

The problem is that the decision on whether a given tongue is a language or a dialect is very often a political one. Indeed languages can be considered as dialects with some form of official recognition, or – in Max Weinreich’s famous formulation - dialects with armies. Of course, there are certain objective criteria to distinguish dialects from languages, namely the degree of similarity and mutual intelligibility between the ‘dialect’ and the ‘parent language’ that it is supposedly a part of. Nevertheless, there are many examples of vernaculars that are far removed from the ‘parent language’, yet are still considered as dialects (here the example of Italian ‘dialects’ such as Napolitano comes to mind). Often, therefore, dialects are recognised as languages if they appear in print and are considered as a literary language, rather than just a vernacular, or even if they are regarded with a minimum level of prestige.

The ECRML is rather vague and offers few guidelines on how to distinguish a regional language from a dialect. According to Jean-Marie Woehrling’s *Critical Commentary* on the ECRML:

[D]ialects as variants of a given language. Such variations within a language may be more or less marked, depending on the historical, geographical or social background. One especially important factor is the subjective conviction of the speakers themselves that they are speaking the same language, this conviction often itself being determined by the political context.⁸

Signatory countries to the ECRML have used the Charter to protect vernacular tongues that lie on the border of a regional language and a dialect. Thus the Netherlands decided to apply Part II of the Charter to the regional language of Limburg (Limburgish), which is often seen as a variety of Dutch. Similarly Germany applied both Parts II and III

⁸ Woehrling, *The European Charter for Regional and Minority Languages: A Critical Commentary*, 63.

of the Charter to Low German (*Niederdeutsch* or *Plattdeutsch*), which is also often considered as no more than a vernacular language. Nevertheless, in its Initial Periodical Report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the Charter, the German government uses the status of Low German as a written language until the 16th century to justify its inclusion.⁹ Other German dialects, such as Bavarian, are not included.

As for Megrelian, Svan and Laz, using purely objective criteria it is hard to argue that they are mere dialects of Georgian since they are not mutually comprehensible with Georgian. Nevertheless, the fact that they are basically not written languages and are held in relatively low esteem means that subjective and political criteria mitigate against recognising them as regional languages. Generally speaking the CoE's Committee of Experts on Regional or Minority Languages in Europe that monitors implementation of the Charter leaves it to contracting states and their populations to distinguish a regional or minority language from a dialect. One criterion that is used to define whether a "dialect" constitutes a regional or minority language in its own right is whether the speakers themselves perceive it as a separate language (see Woehrling's quote, above). The problem of low esteem, on the other hand, should not be used as an argument for not protecting a regional or minority language as regional or minority languages are still seen as "less worthy" than official, standardised languages in many parts of Europe. It is not the aim of this paper to dictate to the Georgian government whether or not Megrelian, Svan and Laz should be considered as regional languages. Later in this section I do, however, offer some suggestions as to how these languages could be protected were the government to decide to recognise them.

2. The Need for Protection

Of the languages listed, it is the less widely-spoken languages that are in particular need of protection. Small linguistic communities in Georgia have at their disposal few mechanisms to ensure that their languages survive and flourish. While the Soviet education system gave

⁹ *Initial Periodical Report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the Charter: Germany* (Council of Europe, MIN-LANG/PR 2000 (1), Strasbourg 20 November 2000) at www.coe.int.

special privileges to certain languages, namely those that were spoken by the titular nationalities of administrative territorial units (i.e. union republics, autonomous republics and autonomous regions), members of smaller linguistic communities were encouraged to speak either Russian or the language of the titular nationality of the republic in which they were living. Thus in Georgia, while Russian, Azeri, Armenian, Abkhazian and Ossetian schools provided tuition in the respective languages, Yezids, Greeks, Assyrians and Udi went to Russian or Georgian schools and were encouraged to speak the more widely-spoken languages. Since Georgia attained independence in 1991, even those few facilities that had previously existed to preserve the language and culture of the smaller minorities vanished due to a lack of funding. Today only Russian, Azeri and Armenian schools exist outside the breakaway regions of Abkhazia and South Ossetia, and activities to maintain and foster other regional and minority languages have been the exclusive remit of (generally underfunded) private associations and foundations.

The languages that are facing the greatest risk in Georgia today are those that are a) spoken by the fewest number of people and b) have no state outside Georgia in which the language is spoken as an official language. Probably those facing the greatest danger are Batsb and Udi. Batsb is spoken by the Tsova-Tush in the village of Zemo Alvani in Akhmeta district of eastern Georgia. It belongs to the Nakh subgroup of Caucasian languages, which includes Chechen and Ingush (see Table 1). Due to the fact that most Tsova-Tush self-identify as Georgians, there has been resistance from within the community itself to the idea of preserving the Batsb language for fear that this would result in the group being considered as non-Georgian. Parents have been unwilling to teach Batsb to their children and today only the older generation speak it amongst themselves.¹⁰ There is a significant danger that this language will no longer be spoken within a generation.

Also in danger of extinction is the Udi language, a modern descendent of Caucasian Albanian, a language that was written in its own alphabet. The only village in Georgia inhabited by Udis, Oktomberi in Kvareli district, is one of only three villages in the world (the others being Nij and Oghuz in Azerbaijan) where the Udi language is spoken. Here

¹⁰ Source: Fieldwork carried out by Tom Trier, July 2006.

also there is a strong tendency for Udi-speakers to assimilate into the Georgian-speaking milieu in which they are immersed and to forget their own language.

While not in imminent peril of extinction, other small linguistic groups also face the threat of assimilation and a decline in the number of people able to speak the mother tongue. Here the Assyrian community is a case in point. At least a quarter of the Assyrian community is concentrated in the small village of Kanda in the province of Mtskheta-Mtianeti. However, Assyrians living in this village have no educational facilities and attend a Georgian school together with Georgian inhabitants of the village. As a result, many younger people are no longer able to speak Assyrian. While most Assyrians in the wider community can still speak their mother tongue, only a minority are still able to write the language in the distinctive Syriac alphabet. The Assyrian language and script are not taught in schools, but are passed on at home from generation to generation. It is unlikely that such practices alone will be able to secure the survival of the language in the long term.

On the surface Megrelian and Svan do not appear to be in danger of becoming forgotten given the relatively large number of people who speak these vernacular languages. However, the Laz-speaking community in Georgia is very small indeed and may therefore be in need of protection. Even Megrelian and Svan, despite their apparently secure position today, may go into a period of very rapid decline as the regions in which they are spoken become increasingly affected by global forces. This is first because they enjoy no institutional protection within the educational and cultural spheres and secondly because they are viewed by the local population as inferior, 'rustic' tongues that lack any prestige whatsoever. As people gradually begin to leave their villages and travel in and out of Svaneti and Samegrelo in search of work, it is quite conceivable that parents will discourage their children from speaking a language that is seen as an obstacle to upward mobility. Here the key to protecting these languages is to raise their prestige so that those who speak them appreciate them as worthy of protection.

3. Protection under Part II of the ECRML

Part II of the European Charter for Regional or Minority Languages can be a useful mechanism for safeguarding languages that may be in danger of erosion. It does this by setting out general objectives and principles that contracting states should follow in order to protect these languages. The general principle behind Part II is to ensure that regional or minority languages are recognised as an expression of cultural wealth (Article 7.1a, see above) and, recognising this fact, to take resolute action to promote and safeguard them (Article 7.1c). Part II focuses thus on the need not only to promote a spirit of tolerance towards regional and minority languages (Article 7.3) but also to go beyond mere tolerance by actively promoting their use in public and private life (Article 7.1d).

Based on these principles, Part II (Article 7) goes on to sketch out some somewhat more concrete steps that are needed. These are: 1) to ensure that the territorial-administrative structure of the country does not hamper the promotion of regional or minority languages (Article 7.1b); 2) to help build links both between members of the same linguistic groups living in different parts of the country and between different linguistic groups within the country (Article 7.1e); 3) to facilitate the teaching and study of regional or minority languages (Article 7.1f), and to extend this facility to non-speakers of regional or minority languages who wish to learn them (Article 7.1g); 4) to promote study and research into regional or minority languages at universities or other such institutions (Article 7.1h); 5) to promote transnational exchanges with other countries in which the same regional or minority languages are spoken (Article 7.1i); 6) to eliminate discrimination relating to the use of a regional or minority language (Article 7.2); and 7) to ensure that the needs and wishes of groups using regional or minority languages are taken into account, ideally by setting up bodies that represent these groups.

Of particular relevance to the Georgian case is the psychological conceptualisation of the role played by regional or minority languages in civic life. The new government of Georgia under Mikheil Saakashvili has been at pains to emphasise the need for what it terms 'civic integration'. Although it is not precisely clear what the new generation of leaders have in mind when use this expression, two distinct strands seem to be discernible. One is the consolidation of a demos, based on common values and the ability to

communicate through a shared knowledge of the Georgian language, and another is the idea of moving away from a narrow ethnically-exclusive notion of what it means to be Georgian towards a new inclusive concept that embraces citizens of all nationalities. Article 7 of the ECRML, with its emphasis on treating regional or minority languages as an expression of cultural wealth (7.1a), promoting ‘the establishment of cultural relations [between speakers of regional or minority languages and] other groups in the State using different languages’ (7.1e), encouraging even non-speakers of regional or minority languages to learn them (7.1g) and promoting study and research into such languages at universities, is very much congruent with this notion of civic integration. The implementation of Article 7 would provide an opportunity for all citizens to integrate into a multilingual society that is based on civic, rather than ethnic criteria of membership.

The rather more concrete steps outlined in Article 7 to promote the use of regional or minority languages are useful tools for protecting those languages that are at risk of erosion. The study of non-Georgian languages at schools and universities in a way that is not merely restricted to members of national minorities (see Article 7.1g) would serve a dual purpose. First, it would protect the languages of the smaller minorities by providing mechanisms whereby mother tongue speakers could ensure that their children receive education in the minority language. Secondly, and no less importantly, by encouraging Georgians to study non-Georgian languages, it could promote an awareness that these languages somehow belong to Georgia and are a part of Georgia’s heritage, rather than being external and foreign. One way of promoting this notion would be to devote a part of the school curriculum to a ‘study of the languages of Georgia’ in order to give the opportunity to all Georgian school students to study at least one of the regional or minority languages listed in Table 1. Such a move would also provide the opportunity for mother tongue speakers of the smaller linguistic groups to preserve their languages. Similar opportunities could be provided at university.

A similar approach could be used with regard to Megrelian, Svan and Laz. Within the study of the Georgian language a module could be introduced on study of *Georgian languages* (as opposed to *languages of Georgia*, see above). Making the study of the regional vernacular languages part of a wider exploration of Georgian linguistics would widen the concept of ‘Georgian’ in its multifarious forms and would assuage the fears of

those who believe that teaching Megrelian and other vernacular languages would undermine the coherence of the community of Georgian speakers. Such an endeavour would be in line with two key principles that are mentioned in the preamble of the ECRML: that the protection of regional or minority languages should not be to the detriment of the official languages and the need to learn them, and that their protection represents an important contribution to diversity within the framework of national sovereignty and territorial integrity.

Article 7 does also contain measures that would present certain difficulties for the Georgian government. First and foremost, Article 7.1i on transnational co-operation is controversial because of the perceived threat of secessionism. In particular, these fears are directed towards the Armenian community in Samtskhe-Javakheti and the Azeri community in Kvemo Kartli. Due to the lack of progress towards civic integration in Georgia so far, these communities are already more integrated into the cultural milieu of their kin states than into Georgian society. The fear is that to promote greater co-operation between these groups and their co-nationals across the border would only impede progress towards integration. However, the wording of Article 7.1i, which calls for ‘the promotion of *appropriate* transnational exchanges’ (italics mine), would appear to give the contracting state a certain amount of leeway on this issue. Moreover, if we look beyond the potential pitfalls of transborder exchanges between Armenians and Azeris, we can begin to appreciate how contacts with members of the wider diaspora abroad may be of immense benefit to the smallest linguistic groups in terms of devising tools for researching and studying minority languages and scripts.

III. Language Rights and Civic Integration

Let us now turn to the second main challenge that Georgia would face were it to implement the ECRML: how to promote the use of regional or minority languages in public life without undermining Georgian as the state language or impeding the integration of national minorities into Georgian public life by discouraging them from learning Georgian. Here the emphasis is on those minorities that live in compact settlements and are generally unable to speak Georgian, in other words the Armenian minority in Akhalkalaki and Ninotsminda districts (Javakheti), the Azeri minority in Kvemo Kartli and the Ossetian minority in the former Autonomous Region of South Ossetia. In this paper, I will not discuss the possible implementation of the ECRML in South Ossetia or measures that could be taken with respect to the Ossetian language. Whether and how the Charter is implemented in South Ossetia is very much dependent on a final settlement of the long-standing conflict there.

To a certain extent, the approach to adopting Part II of the Charter outlined in the previous section would in itself help to resolve the apparently contradictory goals of integrating national minorities into Georgian society at the same time as promoting and safeguarding their languages. For example, the measures outlined in Article 7.1e to promote ‘the establishment of cultural relations with other groups in the State using different languages’ would promote, rather than undermine, the goal of national integration. Similarly, the idea of promoting the study of Azeri and Armenian not only amongst members of national minorities but also amongst ethnic Georgians is based on the principle that these languages too are a part of Georgia’s linguistic heritage. Such an option could help unite the disparate communities living in Georgia, rather than sow the seeds of division. Although Article 7.1f, with its insistence on providing ‘appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages’ may sound alarm bells in the minds of those who see the promotion of Georgian as the main priority, the fact that the onus is placed on the Georgian state, rather than neighbouring states, to become actively involved in the teaching of regional or minority languages’ represents a break from the present status quo. At the moment, teaching materials for the Azeri and Armenian languages in many Azeri and Armenian schools come from Baku and Yerevan, not from Tbilisi. Article 7.1f would, if properly implemented, return control of minority language education to the Georgian state.

The crucial part of the ECMRL that would concern the promotion of the Armenian and Azeri languages is Part III (Articles 8 to 14). According to Article 3.1 of the Charter, each contracting state must, in its instrument of ratification, specify which regional or minority languages Part III is to be applied to. For each regional or minority languages specified according to Article 3.1, Article 2.2 requires that a minimum of thirty-five paragraphs or sub-paragraphs chosen from Articles 8-14 be applied, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13. While theoretically it would be possible not to choose *any* regional or minority language for Part III and only implement Part II (as occurred in the case of Cyprus), it is unlikely that the Committee of Experts would interpret such a move as complying with the spirit, objectives and principles of the ECMRL, especially since it seems that in the Georgian case there are a number of languages that clearly merit Part III protection. As Woehrling, points out, ‘since the charter asks states to subscribe to a minimum number of paragraphs in Part III for each of the languages designated under it, a refusal to benefit from Part III looks like a very roundabout way of evading responsibility and therefore something of an abuse of law’.¹¹

The choice then remains as to which languages contracting states should choose to apply Part III. For Woehrling, the three main criteria used to decide whether or not to apply Part III to a given regional or minority language are the following: 1) the language must have a sufficient number of speakers, 2) it must have at least one territory in which speakers are sufficiently concentrated, 3) speakers of the language must be active in their determination to promote the language.¹² Using these criteria, it is clear that the Azeri and Armenian languages would be those to which it would be most appropriate to apply Part III in the Georgian case. These two languages both have a sufficient number of speakers, and only these two languages contain speakers who live compactly in a particular region of the country.

The Russian language has also played a very major role in social and political life in Georgia due to its role as the dominant language of the USSR and as the language for inter-ethnic communication within Georgia. There are 83,000 mother tongue speakers of Russian

¹¹ Woehrling, *The European Charter for Regional and Minority Languages: A Critical Commentary*, 81.

¹² *Ibid.*, 140.

in Georgia (see Table 1) and around half of the population of Georgia speaks relatively good Russian as a second language. However, there is no one region in which Russian-speakers are geographically concentrated; this will make it difficult to apply Part III as some paragraphs are meant to apply specifically to particular territories (see below). Moreover, affording special protection to Russian may undermine efforts to protect the Azeri and Armenian languages. This is because Russian is already used informally in local administrative bodies in those regions (Kvemo Kartli and Javakheti) in which Azeri and Armenian are spoken as a mother tongue, and therefore promoting the Russian language in these areas may undermine moves to encourage the use of Azeri and Armenian. Finally, the Georgian government is attempting to make Georgian, rather than Russian, the language of inter-ethnic communication; promoting Russian—a language that is already widely spoken amongst members of national minorities—may therefore undermine the principle that protection of regional or minority languages should not be to the detriment of the official languages.

The goal of Part III is to provide a kind of a ‘menu’ to contracting states consisting of measures to be taken to promote the use of regional or minority languages in public life. Article 8 deals with the provision of education in regional or minority languages, making clear that any such measures should be carried out ‘without prejudice to the teaching of the official language(s) of the State’. Article 9, 10, and 11 refer to the use of regional or minority languages in the judicial system, public administration and the media respectively. Article 12 provides a list of measures that could be taken within the cultural sphere to promote regional or minority languages. Article 13 turns to economic and social life, suggesting measures to combat discrimination on linguistic grounds and to promote the use of regional or minority languages in the sectors of finance, business and social care. Finally, Article 14 deals with transfrontier exchanges and contains measures to promote bilateral and multilateral agreements as well as cross-border co-operation to bring together linguistic communities across borders.

Most Articles of Part III are not designed to be applied to the entire territory of the country. Thus, all nine sub-paragraphs of Article 8.1, i.e. nine out of ten paragraphs or sub-paragraphs of Article 8, are to be applied ‘within the territory in which such languages are used’. Similarly, all four sub-paragraphs of Article 9.1 (out of a total of six paragraphs or

sub-paragraphs in Article 9) apply only to ‘those judicial districts in which the number of residents using the regional or minority languages justifies the measures’. Article 10 is even more ‘territory specific’; fourteen out of the relevant fifteen paragraphs or sub-paragraphs apply only to administrative districts in which the ‘number of residents who are users of regional or minority languages justifies the measures specified’ (Articles 10.1 and 10.2) or ‘within the territory in which regional or minority languages are used’ (Article 10.3). Similarly large parts of Article 11 (seven out of nine paragraphs or sub-paragraphs), Article 12 (eight out of ten paragraphs or sub-paragraphs) and Article 13 (five out of nine paragraphs or sub-paragraphs) are to be applied ‘within the territory in which [the relevant regional or minority] languages are used’. Only Article 14 (two sub-paragraphs) does not include a clause limiting the article to a particular territory of the country.

Some contracting states have chosen to apply Part III only to those speakers of a given regional or minority languages that reside in a particular territory of the country. Thus, Germany specified in its instrument of ratification that Part III would be applied to particular regional or minority languages in particular *länder*.¹³ However, this approach is only valid if the state meets its quota of thirty-five paragraphs or sub-paragraphs drawn from a list *excluding* those paragraphs and sub-paragraphs that apply to the entire territory of the country. The Georgian government needs to be aware of this condition as it decides whether to apply Part III to the Azeri and Armenian languages across the entire territory of the country or only in those administrative districts in which these languages are widely spoken.

Like Part II, the application of Part III of the ECRML need not slow down the process of integrating members of national minorities into the social, economic and political life of the country. On the contrary, as I will show below, many of the Articles of Part III actually promote integration. In order to show how they can do so, it is best to examine each article individually and focus on education, the administration of justice, public administration, media, culture and trans-border co-operation separately. The analysis I provide below show that these Articles can be applied a) easily and b) without jeopardising the integrative role of Georgian as the state language.

¹³ *Initial Periodical Report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the Charter: Germany*

1. Education

Article 8.1 of the Charter, specifically paragraphs a. to f., present three broad options for using regional or minority languages in the education system: the first option (i) refers to monolingual education, i.e. education carried out entirely in the regional or minority language, the second option (ii) appears to envisage bilingual education, while the third option (iii for paragraphs a. to d.) allows for teaching the regional or minority language as a part of the curriculum. For the Georgian case options (i) and (iii) would not be appropriate. Option (i) is not appropriate because in those areas in which national minorities are geographically concentrated, the minority language is spoken at home and the application to option (i) would mean that children would receive little or no exposure to the official language. Similarly option (iii) is not appropriate because it is meant to apply when the position of the regional or minority language is sufficiently weak that it is not feasible to provide a substantial part of education in that language.¹⁴ For communities in which regional or minority languages constitute the mother tongue, option (iii) would be irrelevant.

Bilingual education (option ii) is clearly the most appropriate for those parts of Georgia, such as parts of Samtskhe-Javakheti and Kvemo Kartli, in which members of national minorities are compactly settled. This reflects the need for integration on the basis of full competence in the state language. Article 8 a.-d. ii involves bilingual education in which instruction in the official language takes place alongside teaching in the regional or minority language from pre-school level. This represents a departure from the present situation in which pupils attending non-Georgian schools (namely, Russian, Armenian and Azeri schools) receive very little (or poor quality) education in the official language, especially at lower grades. If implemented effectively, therefore, Article 8.1 will actually *improve* teaching in the official language by making sure that it is provided intensively from the very first days at school or kindergarten. This should promote bilingualism and drive forward the integration process.

¹⁴ Woehrling, *The European Charter for Regional and Minority Languages: A Critical Commentary*, 148, 151.

Similarly, for university education, Article 8.1e (ii), if properly applied, could provide a positive stimulus towards integration. Universities, by bringing together students from different ethnic and linguistic backgrounds could be the ideal environment for those who have a weak command of the state language to mix with Georgian speakers and attain fluency. Once again, option 8.1e (i) should be excluded because to provide university education exclusively in regional or minority languages is likely to undermine the process of civic integration. However, providing modules in regional or minority languages (in this case Armenian and Azeri) *both* to mother tongue speakers of these languages *and* to Georgian-speakers (in conformity with Article 8.1e.ii.) is in no way inconsistent with the goal of integration and can only promote tolerance and respect for other languages. Courses in Azeri and Armenian would have to be approached somewhat differently in the case of those learning them as second languages from the case of mother tongue speakers, with an emphasis on basic vocabulary and grammar for the former and advanced philology and literature for the latter. However, opportunities for joint study sessions that include both groups would increase as the university career progresses.

As to the other paragraphs of Article 8, given the fact that the Georgian government has little competence in the field of (non-university) adult education, it may be possible to introduce the (iii) option of Article 8.1f (i.e. encouraging the offering of regional or minority languages as subjects of adult and continuing education). Given the need to apply Articles 8.1a. to 8.1f., Article 8.1h would also be indispensable, since it guarantees the provision of effective education in the languages selected under Part III of the ECRML.

It is worth pointing out that in Georgia, some provision is already made for the provision of education in minority languages; the Faculty of Foreign Languages at Ilia Chavchavadze State University has Armenian, Azeri and Russian language sections, mainly for the benefit of those planning to teach in minority schools.¹⁵ Similarly, Article 8.1.i., which calls for the establishment of ‘a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings’, is

¹⁵ Currently, 17 students study at the Azeri language section; 19 ethnic Armenians and 53 students of different ethnicities study at the Armenian and Russian language sections. Until a few years ago, there were Russian language faculties in most institutions of higher learning, but in 2005 most of these sections were closed down, allegedly due to a lack of demand.

uncontroversial and its implementation could only enhance the effectiveness of the other measures. Finally, Article 8.2, which promotes the teaching of the regional or minority languages covered by Part III in territories in which the languages are not traditionally used, is flexible to the extent that it is meant to apply only ‘if the number of users of a regional or minority language justifies it’. As such, it should not represent a problem for the Georgian authorities.

Thus, out of the ten paragraphs of Article 8, it would be quite possible for the Georgian state to approve either eight or nine (if we include Article 8.1f iii.) without jeopardising the goal of integrating members of the Azeri and Armenian minorities living in Kvemo Kartli and Javakheti. Article 8, if applied in the right way (i.e. by choosing the ii. options) can serve to promote bilingualism and encourage rather than hamper the teaching of the official language to non-Georgian speakers from the very earliest age. The only paragraph of Article 8 the application of which may be expedient to delay is Article 8.1g on the teaching of history and culture reflected by the regional or minority language. History teaching is highly controversial throughout the Southern Caucasus and has often been used to justify the ethno-nationalist claims of one or other national group. Until greater consensus can be achieved amongst historians, it may be wiser to postpone the implementation of an article that may re-ignite old controversies on historical matters.

2. Administration of Justice

Article 9 of the ECRML provides a range of options, some relatively modest, on the use of regional or minority languages in the administration of criminal, civil and administrative law. As a minimum, the article merely requires that the parties in court proceedings in territories in which regional or minority languages are widely used are able to express themselves in the relevant languages and do not incur additional costs for the right of doing so. This does not, however, mean that the official language loses its status as the language used within the judicial system.

For Georgia, the application of five out of six paragraphs of Article 9, Article 9.1a (ii), Article 9.1b (ii), Article 9.1c (ii), Article 9.1d and Article 9.3 would present few logistical problems. Articles 9.1a (ii), 9.1b (ii), Article 9.1c (ii) and Article 9.1d are already

satisfied by existing legislation. The Georgian Constitution (Article 85.2) stipulates that in legal proceedings ‘[a]n individual not having command of the state language shall be provided with an interpreter’ and this constitutional clause is also incorporated into the 1997 Law on Common Courts (Article 10), which also insists that ‘expenses relating to translation shall be paid from the state budget’. This Law covers criminal, civil and administrative proceedings. However, the full implementation of the relevant paragraphs of Article 9 would clearly be facilitated by amendments to Article 73.4 of the General Administrative Code of Georgia (adopted 1999, entered into force 2000), which, by stating that ‘[i]f the application/statement or any other document presented by an interested party [to an administrative proceeding] is not in the state language, the party shall present a notarized translation of the document’, appears to suggest that in administrative proceedings the onus and cost of translating/interpreting will fall to the party using the regional or minority language. Moreover, the principle established in Article 85.2 of the Constitution that those not having command of the state language be entitled to an interpreter in legal proceedings does not go as far as Article 9 of the ECRML, which implies that parties in court proceedings should be able to use the relevant regional or minority language *even if the said parties are able to speak the state language*.

Article 9.3, which would ensure the translation of legal documents into Azeri and Armenian, is also non-problematic. To improve the level of knowledge of Georgian legislation amongst the compactly-settled Azeri and Armenian communities of Kvemo-Kartli and Samtskhe-Javakheti can only help increase the participation of members of these communities in Georgian civic life. Indeed this is already the stated goal of several Georgian non-governmental organisations and international donors that operate in areas where members of national minorities are concentrated.

Within Article 9, only Article 9.2 is likely to be controversial, as it would validate legal documents that were drafted in regional or minority languages. This is likely to be opposed by the Georgian authorities because it may be deemed to undermine the role of Georgian as the official language of the state.

3. Public Administration

In implementing Article 10, which deals with the role of regional or minority languages in public administration, there are two possible approaches. The more ambitious approach would be to grant the languages covered by Part III a kind of quasi-official status within bodies of public administration in those geographical regions in which these languages are widely spoken. In Georgia, such an approach may be considered as too far-reaching on the grounds that it could undermine the role of the state language. However, most subparagraphs of Article 10 do not require such an approach; they merely ensure that regional or minority languages can be used in relations between the local authorities and the public. As Woehrling points out, we must draw a distinction between the language used in *external relations* between the local authorities and the public and that used in *internal relations* within bodies of local administration. A further distinction should also be drawn between *representative* bodies of local government and executive bodies.¹⁶ A more limited application of Article 10 would be a) to allow regional or minority languages to be used in *external relations* between the local authorities and the public, but not necessarily in *internal relations* within bodies of local administration, and b) to allow such languages to be used in *representative* bodies of local government, but not necessarily in executive bodies. This would not in any way threaten the primacy of the state language and could be applied to the Georgian case without undermining the role of the Georgian language in local administrative bodies.

Georgia would fulfil all the conditions for this rather more limited approach by adopting nine out of fifteen subparagraphs of Article 10, namely 10.1a ii., 10.1b, 10.2b, 10.2d, 10.2f, 10.2g, 10.3, 10.4 and 10.5. Of particular relevance are Articles 10.1 and 10.2 (a. to f.), which deal with language use within local administrative bodies and in dealings between local administrative bodies and the public. Here 10.2 c and e are not applicable to the Georgian case, because there is only one layer of local self-government consisting of elected representatives.¹⁷ The distinction inherent in Article 10.2 between ‘regional’ and ‘local’ authorities therefore cannot be applied (see Appendix 1). In addition to these articles, Georgia could also implement 10.2g (on the use of place names in regional or

¹⁶ Woehrling, *The European Charter for Regional and Minority Languages: A Critical Commentary*, 163.

¹⁷ *Ibid.*, 186.

minority languages) and Article 10.5 (on the right to use family names in regional or minority languages) as these measures are consistent with Article 11 of the FCNM, which Georgia has already adopted. Georgia could also apply Article 10.3 (subparagraph c) of the ECRML, allowing users of regional or minority languages to submit a request in these languages in the territories in which they are used, and Article 10.4 (subparagraphs a, b and c), on appointing (bilingual) staff to local administrative bodies with knowledge of regional or minority languages.

Of course, in conformity with the spirit of the Charter, the Georgian government would have to take very active steps to ensure that these measures are properly implemented. In terms of legislative changes, the adoption of these sub-paragraphs would require an amendment to Article 10 of the Organic Law of Georgia on Local Self-Government (2005), which states that ‘the working language and the office work of the local self-government bodies is implemented in the state language of Georgia’. The amendment would have to introduce the relevant exception for representative bodies. Moreover, the implementation of Article 10.4 would require the Georgian authorities to play an active role in recruiting competent bilingual staff to liaise between the local authorities and the general public and as interpreters in local representative bodies. As the author of this paper makes clear in a previous article, this could provide positive incentives for bilingualism amongst communities in which most members have hitherto failed to master the state language and, in the medium to long term, could create a reserve of bilingual professionals within previously marginalised minority communities.¹⁸ This would enhance, rather than inhibit the process of national integration.

4. Media

The Georgian government has already expressed a desire to promote the use of regional or minority languages within the media. The Georgian Ministry of Culture funds several newspapers in minority languages, including the Armenian-language *Vrastan*, the Azeri language *Gurjistan* and the Russian-language *Svobodnaya Gruzija*. Moreover, according to

¹⁸ See Jonathan Wheatley, “The Status of Minority Languages in Georgia and the Relevance of Models from Other European States”, ECMI Working Paper #26 (March 2006). Available at www.ecmi.de/download/working_paper_26.pdf.

legislative amendments of March 2008 to the Law on Broadcasting, at least 25% of the Public Broadcaster's budget must be "spent on programmes devoted to issues connected to the former South Ossetian Autonomous Oblast and the Autonomous Republic of Abkhazia, as well as broadcasting of programmes in minority languages". This is reiterated also in Georgia's newly adopted "National Concept for Tolerance and Civil Integration" (adopted by the Government of Georgia on 29 April 2009).¹⁹ Since 2005, the news programme *Moambe* (Messenger) on the First Channel broadcasts in the Abkhazian, Ossetian, Armenian, Azerbaijani and Russian languages once a week for 30 minutes (in a different language on each day of the week plus a short Russian news broadcast every day). Daily radio programmes in the above languages plus Kurmanji (Kurdish) are also broadcast. In addition, a number of programmes on minorities have been produced and broadcasted in the past few years, including the talk show *Italiuri Ezo* (Italian Yard), the show *Chveni Sakartvelo* (Our Georgia) and a series of documentary films on minorities (Multiethnic Georgia).

It should be mentioned also that the Georgian government facilitated the establishment in 2005 of Alania TV, the primary aim of which was to disseminate information in the Russian language to the population of the breakaway region of South Ossetia. Alania TV continues to operate to date.²⁰

With the adoption of the National Concept and in light of the above legislative amendments there are plans of significantly enhancing broadcasting in minority languages. While these efforts express a clear desire on the part of the Georgian government to include regional or minority languages within the sphere of broadcasting, the scope of the measures introduced have so far been limited. Minority language newspapers, which have existed since the Soviet period, are under-financed as central government funding has been cut back in recent years.²¹ As for state television, its contribution towards promoting regional or minority languages has been modest; in particular, the timing of *Moambe* (3 p.m.) is far

¹⁹ National Concept for Tolerance and Civil Integration, adopted 29 April 2009, Government of Georgia.

²⁰ Molly Corso, 'Television Station in Georgia Operates Mysteriously, Generates Controversy' (Eurasia Insight, 22 May 2006) at <http://www.eurasianet.org/departments/insight/articles/eav052206a.shtml>.

²¹ For example, the ethnic Armenian MP Van Baiburt claimed that in 2005, *Vrastan* received only 15,000 Georgian Lari, compared to the 20,000 that should have allocated to it. See Media.ge (27 January 2006) at http://www.media.ge/eng/news_detailed.php?id_num=366.

from peak viewing time and as each language is only covered once a week the information disseminated is inevitably rather sparse. Finally, the establishment of Alania TV is controversial as critics claim that it was motivated not by the desire to promote the Ossetian language, but by a wish to score a propaganda coup over the separatist regime in South Ossetia.

All the same, the measures already taken clearly demonstrate that the Georgian government is not opposed in principle to measures designed towards extending the use of regional or minority languages in the media. Moreover, Article 11 of the ECRML could provide much needed impetus for the Georgian government to continue with the measures it has already adopted and to encourage public television to honour its pledges more fully. Once again, the state does not have to *create* television and radio channels that broadcast in regional or minority languages; it is sufficient that it provides encouragement, providing that encouragement amounts to more than words and empty gestures. Consistent with the steps it has already taken, the Georgian government could ‘make adequate provision so that broadcasters offer programmes in the regional or minority languages’ (Article 11.1a iii), ‘encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis’ (Article 11.1b ii), ‘encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis’ (Article 11.1c ii), ‘encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages’ (Article 11d), and ‘encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages’ (Article 11e i). Articles 11f and 11g, while not contrary to initiatives already announced by the Georgian government, involve quite significant financial contributions that the government may find difficult to meet under present straitened circumstances. Even leaving aside these paragraphs, Georgia would be able to apply five out of seven paragraphs of Article 11.1.

As for Article 11.2, on guaranteeing the reception of radio and television broadcasts and the circulation of print media in regional or minority languages in a cross-border context, this condition is already satisfied with regard to the Azeri and Armenian minorities. Indeed those living in Javakheti and Kvemo Kartli already receive television and radio from Yerevan and Baku. While this tendency is viewed by some (Georgian)

commentators as detrimental to the prospects of integrating members of national minorities into Georgian society, the aim of policy-makers in the sphere of media and culture should not be to deprive members of national minorities of the opportunity to receive such broadcasts, but should instead be to increase their acquaintance with Georgian media channels, both through teaching of the state language and (where necessary) by providing simultaneous translation of Georgian TV programmes into the relevant minority languages.

Finally, Article 11.3, on representing the interests of users of regional or minority languages in official bodies responsible for guaranteeing media freedom and pluralism, may be problematic to implement in the short term because the process of establishing such bodies is at an early stage, even with regard to Georgian language media. Georgia has had only around a decade to develop a free and independent media and there remains a tendency for state bodies to interfere with, rather than promote, media freedom. Until this situation is normalised, the introduction of such a measure would achieve little. In total, therefore, Georgia could satisfy six out of nine paragraphs of Article 11.

5. Culture

During the Soviet period, there was a plethora of cultural organisations that represented the cultures and languages of the different national minorities living in Georgia. There therefore exists a precedent of broad support in the promotion of cultural activities in regional or minority languages. The main problem is that following the collapse of the USSR and the subsequent economic crisis, most cultural organisations either shut down or became inactive due to a lack of funding. Clearly when public finance is scarce, cultural activities are unlikely to receive pride of place when it comes to allocating scarce resources. Despite the problems involved in finance, in principle there is unlikely to be resistance from the Georgian authorities to implementing any of the paragraphs of Article 12 of the ECRML.

In fact there are strong reasons for the Georgian authorities to do everything possible to support the sphere of culture both in the Georgian language and in the Armenian and Azeri languages. First of all, the emphasis is on encouraging and/or facilitating cultural activities and this need not involve large-scale expenditure. Only

Article 12.1h makes specific mention of finance and the implementation of this paragraph could be delayed until the economic situation improves. Secondly, some of the paragraphs of Article 12 actually contain measures that could promote the goal of civic integration. In particular, the implementation of Article 12.1b and c, which seeks to develop translation, dubbing, post-synchronisation and subtitling in order to provide access for Georgian speakers to works written in Azeri and Armenian and to provide access for Azeri and Armenian speakers to Georgian films and literature, would help unite the cultural spheres of majority and minority communities. Moreover, Article 12.1e, which promotes measures to ensure that cultural bodies have staff with command of the relevant regional or minority language, may foster the development of bilingualism and, over time, a bilingual intelligentsia that could act as a bridge between Georgian and minority cultures. Thus Article 12 could play an integrative role within Georgian society. Even with limited financial resources, it would be quite possible for Georgia to apply all paragraphs of Article 12, with the exception of Article 12.1h (i.e. nine out of ten paragraphs).

6. Economic Life

As Woehrling points out, Article 13, which deals with the use of regional or minority languages in economic and social life, has two main aims: firstly to eliminate discrimination on the basis of language use in the social and economic spheres, and secondly to promote activities that encourage the use of regional or minority languages in these spheres.²² For Georgia, the first of these two aims will prove easier to achieve than the second. This is because state influence over the economy in Georgia has been informal, rather than formal, since the collapse of the USSR, and institutionalising the state's role in economic life is still at an early stage. At this stage, introducing measures that influence the internal regulation of economic entities, such as those envisaged in Article 13.1b, 13.1c, 13.1d, 13.2a and 13.2b, would probably achieve little. Article 13.2e, which promotes the dissemination of information in regional or minority languages in the field of consumer rights is probably also impracticable, given the underdevelopment of the notion of consumer rights in Georgia. Probably the articles that could most easily be applied are Article 13.1a, which envisages the removal of all discriminatory laws on the basis of

²² Woehrling, *The European Charter for Regional and Minority Languages: A Critical Commentary*, 224.

language within the economic and social spheres, Article 13.2c, which aims to ensure that regional or minority languages are used in social care facility such as hospitals, and Article 13.2d, which ensures that safety instructions are drawn up in regional or minority languages in those territories in which such languages are widely used. It would therefore be possible for Georgia to apply three out of nine paragraphs of Article 13.

7. Cross-Border Exchanges

Given Georgia's recent history, namely the loss of the territories of South Ossetia and Abkhazia during the civil wars of the 1990s, the issue of cross-border exchanges has been a highly controversial one. This is particularly relevant for the Azeri and Armenian populations in the regions of Kvemo Kartli and Javakheti which share borders with the kin states of these minorities. The geographical location of these communities, together with the fear or irredentism, means that the Georgian government would be reluctant to approve measures that would foster cross-border exchanges between the Azeri and Armenian linguistic minorities in Georgia on the one hand, and Azeri and Armenian speakers in Azerbaijan and Armenia on the other. Moreover, it must be pointed out that such exchanges are anyway commonplace, and this has led to fears that these minorities are better integrated into the social and cultural life of their kin states than into Georgian social and cultural life. It would therefore be considered contrary to the goal of integration to further promote these ties. Such a step would, moreover, be superfluous given the density of already-existing ties. It is therefore unlikely that Georgia would apply either of the two paragraphs of Article 14.

8. Summary on the Application of Part III

In this section I have shown how Georgia can apply Part III of the ECRML to the Azeri and Armenian languages without jeopardising the ultimate goal of civic integration and the consolidation of a 'demos' that is based on the civic community of all citizens living in Georgia, rather than on any one national group. On the contrary, the application of Part III could actually encourage the integration process by introducing bilingual education from the very earliest age and by fostering the development of a bilingual intelligentsia working as teachers, translators, interpreters, and community liaison officers. Such steps, it is hoped,

would bring the different linguistic communities of Georgia closer together. I conclude that Georgia could adopt forty-two paragraphs from Part III, seven more than the minimum quota of thirty five. These are: Articles 8.1a (ii), 8.1b (ii), 8.1c (ii), 8.1d (ii), 8.1e (ii), 8.1h, 8.1i, 8.2, 9.1a (ii), 9.1b (ii), 9.1c (ii), 9.1d, 9.3, 10.1a (ii), 10.1b, 10.2b, 10.2d, 10.2f, 10.2g, 10.3, 10.4a, 10.4b, 10.4c, 10.5, 11.1a (iii), 11.1b (ii), 11.1c (ii), 11d, 11e (i), 11.2, 12.1a, 12.1b, 12.1c, 12.1d, 12.1e, 12.1f, 12.1g, 12.2, 12.3, 13.1a, 13.2c and 13.2d. This would allow considerable flexibility for the Georgian government in deciding how many paragraphs to adopt, especially bearing in mind that it is possible to ratify different undertakings for the Azeri language as for Armenian, if the government and representatives from the respective language groups deem the situation of the two languages to be different from one another in some way.

IV. Conclusion

In this paper, I have shown how adopting the European Charter for Regional or Minority Languages will not only help preserve the languages of the smallest minorities that now find themselves in danger of erosion but could also institutionalise the use of two more widely-spoken minority languages (Azeri and Armenian) without jeopardising the ultimate goal of civic integration.

In most countries that have already ratified the ECRML, the official language or languages is known by virtually all, if not all citizens. In Georgia, however, the lack of knowledge of the state language has impeded the integration of members of national minorities and has led to fears that the lack of a notion of ‘we, the people’ may impede the consolidation of statehood. In the case of Georgia, therefore, the ECRML must be interpreted in a discerning and intelligent manner and great care must be taken when choosing the paragraphs from Part III of the Charter to ensure that the measures adopted do not discourage members of national minorities from learning Georgian. As I have shown in the previous section, paragraphs can be chosen in such a way as to promote, rather than impede civic integration and mastery of the state language by those for whom Georgian is not their mother tongue.

The fundamental challenge for Georgia as it decides whether to ratify the ECRML is a psychological rather than a logistical one. The philosophy of the Charter is based on the notion that regional or minority languages are part of the national heritage of a particular country. This presupposes a civic, rather than an ethnic concept of citizenship, which is often hard to take root in countries such as Georgia where ethnic nationalism has been a powerful force. The challenge for the Georgian state and for Georgian society is to become genuinely convinced that regional or minority languages are an expression of cultural wealth, rather than a threat to the interests of ethnic Georgians.

APPENDIX 1: The European Charter for Regional or Minority Languages

Preamble

The member States of the Council of Europe signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, particularly for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions;

Considering that the right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights, and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the work carried out within the CSCE and in particular to the Helsinki Final Act of 1975 and the document of the Copenhagen Meeting of 1990;

Stressing the value of interculturalism and multilingualism and considering that the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them;

Realising that the protection and promotion of regional or minority languages in the different countries and regions of Europe represent an important contribution to the building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity;

Taking into consideration the specific conditions and historical traditions in the different regions of the European States,

Have agreed as follows:

Part I – General provisions

Article 1 – Definitions

For the purposes of this Charter:

A “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;

b “territory in which the regional or minority language is used” means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;

c “non-territorial languages” means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Article 2 – Undertakings

1 Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.

2 In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 – Practical arrangements

1 Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.

2 Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.

3 The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Article 4 – Existing regimes of protection

1 Nothing in this Charter shall be construed as limiting or derogating from any of the rights guaranteed by the European Convention on Human Rights.

2 The provisions of this Charter shall not affect any more favourable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant bilateral or multilateral international agreements.

Article 5 – Existing obligations

Nothing in this Charter may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes of the Charter of the United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of States.

Article 6 – Information

The Parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by this Charter.

Part II – Objectives and principles pursued in accordance with Article 2, paragraph 1

Article 7 – Objectives and principles

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

- a the recognition of the regional or minority languages as an expression of cultural wealth;
- b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;
- c the need for resolute action to promote regional or minority languages in order to safeguard them;
- d the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;
- e the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
- f the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
- g the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
- h the promotion of study and research on regional or minority languages at universities or equivalent institutions;
- i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

2 The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

3 The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

4 In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

5 The Parties undertake to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

Part III – Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2

Article 8 – Education

1 With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a i to make available pre-school education in the relevant regional or minority languages; or

ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or

iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or

iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;

b i to make available primary education in the relevant regional or minority languages;
or

ii to make available a substantial part of primary education in the relevant regional or minority languages; or

iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;

c i to make available secondary education in the relevant regional or minority languages;
or

ii to make available a substantial part of secondary education in the relevant regional or minority languages; or

iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

d i to make available technical and vocational education in the relevant regional or minority languages; or

ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

e i to make available university and other higher education in regional or minority languages; or

ii to provide facilities for the study of these languages as university and higher education subjects; or

iii if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;

f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or

ii to offer such languages as subjects of adult and continuing education; or

iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

2 With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

Article 9 – Judicial authorities

1 The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

ii to guarantee the accused the right to use his/her regional or minority language; and/or

iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

b in civil proceedings:

i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

c in proceedings before courts concerning administrative matters:

i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

2 The Parties undertake:

a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

b not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or

c not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.

3 The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

Article 10 – Administrative authorities and public services

1 Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

a i to ensure that the administrative authorities use the regional or minority languages; or

ii to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or

iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or

iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or

v to ensure that users of regional or minority languages may validly submit a document in these languages;

b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;

c to allow the administrative authorities to draft documents in a regional or minority language.

2 In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

a the use of regional or minority languages within the framework of the regional or local authority;

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

c the publication by regional authorities of their official documents also in the relevant regional or minority languages;

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.

3 With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

a to ensure that the regional or minority languages are used in the provision of the service; or

b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or

c to allow users of regional or minority languages to submit a request in these languages.

4 With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

a translation or interpretation as may be required;

b recruitment and, where necessary, training of the officials and other public service employees required;

c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

5 The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

Article 11 – Media

1 The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

a to the extent that radio and television carry out a public service mission:

i to ensure the creation of at least one radio station and one television channel in the regional or minority languages; or

ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages; or

iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;

b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or

ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

c i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or

ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;

e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

ii to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;

f i to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or

ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;

g to support the training of journalists and other staff for media using regional or minority languages.

2 The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

3 The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

Article 12 – Cultural activities and facilities

1 With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including **inter alia** the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

2 In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

3 The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

Article 13 – Economic and social life

1 With regard to economic and social activities, the Parties undertake, within the whole country:

a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;

b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;

c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;

d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

2 With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;

b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;

c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;

d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;

e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.

Article 14 – Transfrontier exchanges

The Parties undertake:

a to apply existing bilateral and multilateral agreements which bind them with the States in

which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;

b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

Part IV – Application of the Charter

Article 15 – Periodical reports

1 The Parties shall present periodically to the Secretary General of the Council of Europe, in a form to be prescribed by the Committee of Ministers, a report on their policy

pursued in accordance with Part II of this Charter and on the measures taken in application of those provisions of Part III which they have accepted. The first report shall be presented within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report.

2 The Parties shall make their reports public.

Article 16 – Examination of the reports

1 The reports presented to the Secretary General of the Council of Europe under Article 15 shall be examined by a committee of experts constituted in accordance with Article 17.

2 Bodies or associations legally established in a Party may draw the attention of the committee of experts to matters relating to the undertakings entered into by that Party under Part III of this Charter. After consulting the Party concerned, the committee of experts may take account of this information in the preparation of the report specified in paragraph 3 below. These bodies or associations can furthermore submit statements concerning the policy pursued by a Party in accordance with Part II.

3 On the basis of the reports specified in paragraph 1 and the information mentioned in paragraph 2, the committee of experts shall prepare a report for the Committee of Ministers. This report shall be accompanied by the comments which the Parties have been requested to make and may be made public by the Committee of Ministers.

4 The report specified in paragraph 3 shall contain in particular the proposals of the committee of experts to the Committee of Ministers for the preparation of such recommendations of the latter body to one or more of the Parties as may be required.

5 The Secretary General of the Council of Europe shall make a two-yearly detailed report to the Parliamentary Assembly on the application of the Charter.

Article 17 – Committee of experts

1 The committee of experts shall be composed of one member per Party, appointed by the Committee of Ministers from a list of individuals of the highest integrity and recognised competence in the matters dealt with in the Charter, who shall be nominated by the Party concerned.

2 Members of the committee shall be appointed for a period of six years and shall be eligible for reappointment. A member who is unable to complete a term of office shall be replaced in accordance with the procedure laid down in paragraph 1, and the replacing member shall complete his predecessor's term of office.

3 The committee of experts shall adopt rules of procedure. Its secretarial services shall be provided by the Secretary General of the Council of Europe.

Part V – Final provisions

Article 18

This Charter shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 19

1 This Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five member States of the Council of Europe have expressed their consent to be bound by the Charter in accordance with the provisions of Article 18.

2 In respect of any member State which subsequently expresses its consent to be bound by it, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 20

1 After the entry into force of this Charter, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Charter.

2 In respect of any acceding State, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 21

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations to paragraphs 2 to 5 of Article 7 of this Charter. No other reservation may be made.

2 Any Contracting State which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.

Article 22

1 Any Party may at any time denounce this Charter by means of a notification addressed to the Secretary General of the Council of Europe.

2 Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 23

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Charter of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Charter in accordance with Articles 19 and 20;
- d any notification received in application of the provisions of Article 3, paragraph 2;
- e any other act, notification or communication relating to this Charter.

In witness whereof the undersigned, being duly authorised thereto, have signed this Charter.

Done at Strasbourg, this 5th day of November 1992, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to this Charter.