

Conference of the Congress of Local and Regional Authorities, “The use of languages by local and regional authorities” – Balvanyos, Covasna County, Romania, 31 May 2018

Presentation by Paul BILBAO-SARRIA, Secretary-General of Kontseilua, Council of Social Entities of the Basque language

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Session 2 “Interaction with local/regional administration and citizen participation: using languages to effectively participate in the conduct of public affairs”

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First of all, I would like to thank the Congress of Local and Regional Authorities of the Council of Europe for inviting me to this conference. I myself represent an entity that works to support a particular minoritised language (Basque-language) called KONTSEILUA, the Council of Basque Language Social Organisations, which is made up of entities, companies and organisations involved in Basque language normalization or recovery process. It some kind of a huge umbrella organisation made up by entities.

The title of my talk refers to two parts of the body: the head and the heart. That’s because I had in mind while preparing this talk something that Nelson Mandela said, and I will use this metaphor or symbol throughout my presentation:

If you talk to a man in a language he understands, that goes to his head. If you talk to him in his language, that goes to his heart

I feel that this sentence sums up poetically just what the organisers of this event have written. When people talk to us and touch our heart they produce a different reaction. That is to say, when talk to us in our language they do really touch our heart, and we do have a different reaction, a more confident reaction.

The consequences of using one’s own language

Our language is our most intimate possession. We use it to express practically everything: love, hate, concern, joy, sadness. It is also a social phenomenon with a fundamental place in our daily lives. In consequence, use of one’s own language has consequences for the individual.

In their introduction, the organisers suggest three consequences of using the language of the citizens:

- They can understand the policies that affect them
- They can become active participants in the civil life of the town or region
- It promotes a diverse, open society.

For the citizen:

- Closeness
- Confidence
- Direct communication
- Regarding oneself as part of society
- Understanding policies
- Becoming an active citizen.

For society, it facilitates building values such as:

- Peaceful coexistence
- Diversity
- Equality
- Rights.

Also, when citizens are addressed in their own language, this creates opportunities for people to transcend the level of the individual and construct a new collective social structure and a just society.

Of course, this idea isn't new. Similar arguments are found in the preface of the European Council's European Charter for Regional or Minority Languages:

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.

Administering diversity: which language(s) must use the administration?

Does this mean that the administration ought to attend to every citizen in their own language, whatever that language might be? This is actually one of the most difficult questions in diversity management.

In today's Europe, dozens of languages are spoken by citizens in any major city, so the first question to answer is: Must every citizen be addressed in his or her own language? In language management, is it possible to implement the approach of a language policy that treats all citizens' languages equally? I believe it is impossible, and not only impossible, but also inappropriate.

There is a part of the European Charter for Regional and Minority Languages that talks about the languages to which the implementation of the charter applies. It recognises three characteristics of such a language, which should be:

- 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;
- 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.

Another such proposal is found in the 1996 Universal Declaration of Linguistic Rights which adopts the view that language rights are substantive subjective rights, for which it envisages three kinds of subject:

- Language community: Any human society established historically in a particular territorial space, whether this space be recognized or not, which identifies itself as a people and has developed a common language as a natural means of communication and cultural cohesion among its members.
- Language group: Any group of persons sharing the same language which is established in the territorial space of another language community but which does not possess historical antecedents equivalent to those of that community
- Individuals: People who have no connection with the territory (migrants, people on holiday...), but they must have recognised some inalienable personal language rights in any situation

I want to clarify all of this, because Mandela may be right that the ideal goal is to reach all citizens' "heart", but to be perfectly honest, that isn't possible at present. It means that public administrations must decide

when they speak to which hearts they will go. We think that the public administration must use the language those of people speaking a traditionally used language (language community).

Language rights: a basic democratic concept for defining public policy and diversity management

So there are clearly consequences resulting from the choice to address citizens and individuals either in their own or another language. However, it is not possible to implement a public policy of using the languages of all our citizens equally. We must therefore find a democratic way to define public policies in this regard, and what we propose is to take language rights as the basis for this.

It is difficult to define language rights and to determine whether language rights are to be included among human rights. The concept of Linguistic Human Rights was first developed in the 1970s. The concept began to be referred to in the literature because the properties of human rights are applicable to language rights.

The first attempt to place language rights within the parameters of human rights was made by Tove Skutnabb-Kangas and Robert Philipson, who proposed the following classification.

- Fundamental linguistic rights, Linguistic Human Rights: these rights have the properties of fundamental rights such as inalienability, universality, inviolability etc. These are rights that must be acknowledged for everyone and cannot be restricted by any authority.
- Common linguistic rights: these are rights which must be recognised for the speakers of a language in a particular geographical area.

Another division can be made among fundamental linguistic rights:

- Individual: The ability of each person to identify positively with their native language, and for this identification to be respected by others; the right to learn one's native language, at least in primary education; the right to receive one's education in one's native language; the right to use it in many (official) contexts, etc.
- Collective: The right to be and to continue to be a human group; the right to use and develop one's language; the right to create and maintain schools and other learning centres; political representation and the right of autonomy in cultural affairs, etc.

It is necessary to understand that unless these fundamental rights are ensured, other human rights linked to them will be violated: rights such as the right to an effective defence in court, the right to self-defence, the right to an education and so on. Thus basic linguistic rights are transversal to many rights that will not be fully ensured if the linguistic dimension of the right is violated.

Let's take two examples of how to use language rights as a basis regarding addressing citizens in their own language.

A French citizen in Bilbao has been arrested for something. He is told why he has been arrested in the police station and his rights are read to him. He will be put on trial.

A Basque citizen in Bilbao has been arrested for something. He is told why he has been arrested in the police station and his rights are read to him. He will be put on trial.

Should both these situations be managed in the same way? Should the same conditions apply in ensuring the rights of both these citizens? Will we touch the "heart" of both these citizens in the same way?

In the first example the citizen's basic language rights must be honoured. All citizens, wherever in the world they are, have the right to be told the reason for their arrest or the charges levelled against them in court in a way they can understand. In such cases, international standards have established the use of an interpreter as the way to get to the citizen's "heart."

In the second example, in my opinion an interpreter isn't the right way to get to the citizen's "heart". If we want to ensure parity between citizens, the same tools must be provided to those wishing to use the local language as those using another official language. Therefore, in this case both the police officers and the court employees should be able to speak the local language.

What I am trying to show is that the concept of speaking to citizens in their own language is a more complex issue than one might think, so it's a good idea to have thought ahead of time about which languages that may coexist at a certain time and place the administration should be prepared to address citizens in. Of course the objective is to create a more open, more participatory society, but local and regional administrative bodies cannot become towers of Babel. So our proposal is that mechanisms to safeguard basic language rights should be set up and policies implemented to safeguard the rights of a region's minority language communities. Hence we consider that traditional local languages (language communities) should be given priority.

Interaction with local/regional administration and citizen participation

It is clear that in order to promote cooperation between citizens and local or regional administrations, they need to speak the "same" language. If the administration speaks to citizens in their language this will increase trust and build bridges, as a result of which citizens will contribute more to their institutions.

However, I believe that it is best at this time to qualify the way in which social participation is used, as follows: the most meaningful interaction between the administration's and citizens' participation is to use it to define public policy in accord with the social initiative and input

In 2016, over a hundred agents for the development of thirty European minoritised languages carried out an unprecedented participatory process, which took place on the initiative of the organisation I represent. The result was a paper titled the Protocol to Ensure Language Rights, which specifies 185 measures that are required to safeguard the rights of Europe's language communities. The proposal we wrote was backed by the widest social agreement ever achieved for the management of Europe's linguistic diversity.

The job that we are faced with now is to build cooperation or synergy between these social agents and the local or regional administrations to begin to detail the measures required to reach citizens' "heart."

I would therefore like to suggest a different picture instead of the one depicted by the organisers of this panel discussion. We are not talking about a two-way arrangement. The point is not only for local and regional administrations to offer opportunities for citizens to use local languages so that citizen participation will increase and we can build a more open and diverse society. It is also for the administration and social agents to jointly define the specific measures to be taken in policies to ensure that local languages are used and language rights are respected through cooperation and shared synergy or mutual understanding. Our project has provided a tool which we believe is adequate as a starting point to forge a new, more democratic model of cooperation between administrations and social agents.

It is ultimately the responsibility of all of us to take steps to make Mandela's vision come true and touch the "hearts" of all citizens!