



MISSION POSSIBLE

**Looking back at the making
of the European Charter
for Regional or Minority Languages**

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INTRODUCTION

Most European countries have on their territory autochthonous groups speaking a language other than that of the majority of the population. What these regional or minority languages have in common is a greater or lesser degree of precariousness.

For many years various bodies within the Council of Europe have been expressing concern over the situation of regional or minority languages. It is true that Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms lays down the principle of non-discrimination, in particular outlawing, at least with respect to the enjoyment of the rights and freedoms guaranteed by the Convention, any discrimination based on such grounds as language or association with a national minority. Important though this is, however, it only creates a right for individuals not to be subjected to discrimination, and not a system of positive protection for minority languages and the groups using them, as was pointed out by the Consultative Assembly as far back as 1957 in its Resolution 136. In 1961, in Recommendation 285, the Parliamentary Assembly of the Council of Europe called for a protection measure to supplement the European Convention to be devised in order to safeguard the rights of national minorities to enjoy their own culture, to use their own language, to establish their own schools and so on.

In 1981, the Parliamentary Assembly adopted Recommendation 928 on the educational and cultural problems of minority languages and dialects in Europe, and in the same year the European Parliament passed a resolution on the same issues. Both documents concluded that it was necessary to draw up a charter of regional or minority languages and cultures.

Acting on these recommendations and resolutions, the Standing Conference of Local and Regional Authorities of Europe (the present Congress of Local and Regional Authorities) decided to undertake the preparation of a European charter for regional or minority languages, by reason of the part which local and regional authorities must be expected to play in relation to languages and cultures at local and regional level. The preliminary work before the actual drafting of the charter involved a survey of the actual situation of regional and minority languages in Europe and a public hearing in 1984 attended by some 250 people representing over 40 languages.

The initial drafting of the European Charter for Regional or Minority Languages was carried out by a group of experts that met seven times between 19 December 1984 and 30 March 1987. The Committee on Cultural and Social Affairs of the Standing Conference had instructed its Rapporteur, Herbert Kohn, to prepare a draft and for this purpose had authorised him to consult experts. Besides Kohn, the permanent members of the expert group were Piero Ardizzone, Felix Ermacora, Yvo Peeters, Mervyn Phillips, Lluís Maria de Puig, Modest Prats and Jean-Marie Woehrling. Given the interest of the Parliamentary Assembly and the European Parliament in this topic, the former participated in the work of the experts group which in 1987 submitted a report including a draft charter to the Committee on Cultural and Social Affairs. In its Resolution 192 (1988), the Standing Conference finally proposed the text of a charter which was designed to have the status of a convention.

Following this initiative, which was supported by the Parliamentary Assembly in its Opinion No. 142 (1988), the Committee of Ministers established an ad hoc committee of experts on regional or minority languages in Europe (CAHLR), with responsibility for drafting a charter bearing the Standing Conference's text in mind. This intergovernmental committee began work at the end of 1989. In view of their important role as promoters of the project, both the Standing Conference and the Parliamentary Assembly were represented at its meetings. Before submitting the final text of the draft charter to the Committee of Ministers in 1992, the CAHLR consulted and took into account the opinions of a number of specialised committees within the Council of Europe (culture, education, human rights, legal co-operation, crime problems, local and regional authorities, media), as well as the European Commission for Democracy through Law.

The European Charter for Regional or Minority Languages was adopted as a convention by the Committee of Ministers at the 478th meeting of the Ministers' Deputies on 25 June 1992 and opened for signature on 5 November 1992.

On the occasion of the twentieth anniversary of the opening for signature, the Secretariat of the Charter conducted interviews in December 2012 with Piero Ardizzone, Yvo Peeters, Mervyn Phillips, Lluís Maria de Puig and Jean-Marie Woehrling. When looking back at the making of the treaty, its impact since, and challenges ahead, the initial authors emphasised that they would do it the same way again. Indeed, the objectives and principles of the Charter have remained as topical as they were in the 1980s.

What also became clear in the conversations is that the actual adoption of the Charter had been a "pleasant surprise" for the former members of the experts group, bearing in mind the considerable opposition to the idea of minority protection still prevailing in the 1980s. Jean-Marie Woehrling recalled this "mission (im)possible" as follows: "To be quite honest, we were not very optimistic at the beginning that our work would bear fruit: we thought we had a one in a hundred chance of being successful. We knew that when the group met there had already been several failures regarding incorporation of the right to language in the European Convention on Human Rights, the adoption of other documents protecting linguistic minorities, etc. This was a new attempt, the substance of which was as yet uncertain... We were working a little bit in the dark, without really knowing what direction to take or what the final outcome would be, and we were not very optimistic about that outcome. Once the Charter had been adopted by the Council of Europe, we were pleasantly surprised to see that it began to obtain fairly broad acceptance by a growing number of states. At the same time, Europe was changing. The Charter benefited from this new process of the extension of rights and Council of Europe conventions towards central and Eastern Europe. We had not expected all of this."

The Charter Secretariat publishes these interviews in the present *Festschrift*.

THE AUTHORS OF THE FIRST DRAFT OF THE CHARTER



Herbert Kohn (14 February 1921 – May 2002), the Chairman of the expert group, was a member of the board of the *Niedersächsischer Landkreistag*, the assembly of the districts (*Landkreise*) of the *Land* of Lower Saxony in Germany. He became a member of the German delegation to the Standing Conference of Local and Regional Authorities of Europe in 1974. In 1983, the Committee on Cultural and Social Affairs appointed him rapporteur on minority languages.

Photo: CoE

Piero Ardizzone (born in Catania on 5 November 1932) was the President of the National Federative Committee of Italian linguistic minorities and the Italian representative of the European Bureau for Lesser-Used Languages. He was the cultural attaché of the Embassy of Italy in Alger.

Photo: Ardizzone



Felix Ermacora (13 October 1923 – 24 February 1995) was a professor of international law and member of the Austrian Parliament, the European Commission of Human Rights and the United Nations Human Rights Committee. In 1974, Ermacora was President of the United Nations Commission on Human Rights, and from 1984 he was UN Special Rapporteur for Afghanistan. On behalf of the Council of Europe, he investigated human rights abuses in Algeria, Greece, Ireland, Turkey and Cyprus.

Photo: CoE

Yvo Peeters (born in 1949) is Flemish and lives in Brussels. He had been a municipal councillor and cultural councillor for several years. He was a member of AIDLCM, *Association internationale de défense des langues et culture menacées*, and the Director of the Bureau for Lesser-Used Languages. He was also the Chairman of the Standing Committee for Linguistic Rights.

Photo: Peeters





Mervyn Phillips (born 7 September 1931) was Chief Executive of a Welsh county and executive delegate of the Conference of Peripheral Maritime Regions of Europe (CPMR) for Cultural Affairs. He was also involved in establishing the European Centre of Traditional and Regional Cultures in Llangollen (Wales).

Photo: Phillips

Lluís Maria de Puig (29 July 1945 - 12 December 2012), a Catalan, was a member of the Spanish Parliament and President of the Parliamentary Assembly of the Council of Europe between 2008 and 2010. At the time of the drafting of the Charter, he was a member of the Parliamentary Assembly and more particularly Rapporteur to the Committee on Culture and Education for the issue of minority languages. De Puig unexpectedly passed away only one day after he was interviewed for this publication.

Photo: CoE



Modest Prats (born in 1936) was a philologist and university professor of Catalan as well as a member of the Catalan Cultural Council and the Catalan Normalisation Commission. For health reasons, Prats could not be interviewed for this publication.

Photo: www.flama.info

Jean-Marie Woehrling (born 6 August 1947) was, at the time the Charter was being drafted, a judge at the administrative court of Strasbourg. He later became President of this court. He was also the founder of the *Institut du droit local alsacien-mosellan*, an institution dealing with regional legislation in Alsace and the Moselle department of France, of which he is still the president. He has also contributed to the drafting of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and the European Charter of Local Self-Government, both treaties of the Council of Europe. He is currently the president of *Culture et bilinguisme d'Alsace et de Moselle - René-Schickele-Gesellschaft*, an association promoting the regional language of Alsace and Moselle.

Photo: Woehrling



THE INTERVIEWS

What was your personal link with regional or minority languages when you joined the working group of the Standing Conference of Local and Regional Authorities of Europe in 1984? Why do you think the Council of Europe invited you to the small team of Charter drafters?

Yvo Peeters: My personal link with regional or minority languages is that I am an inhabitant of the Brussels capital region in Belgium and myself a Dutch speaker. Although the Flemish are the majority in Belgium we are a minority in the Brussels capital area where quite severe language discrimination still exists, so that was my personal link.

In 1978 I did a Masters in cultural policy with a dissertation on the situation in Brussels and in 1983 I did my doctoral thesis on the European institutions and the protection of minority rights. At the same time I was the Chairman of the Belgian branch of the Minority Rights group and the Assistant Secretary General of an organisation which is called, in French, l'Association internationale pour la défense des langues et des cultures menacées.

I was a trainee at the Local and Regional Authorities division in 1977 and I returned to Strasbourg in 1979 as a secretary to the group of independent MPs in the newly elected European Parliament. From 1979 until 1982 I submitted various proposals on minority language policy on behalf of our group which led to the foundation of the European Bureau of Lesser-Used Languages in 1983 of which I became a director, as well as Mr Ardizzone who was also a colleague of this bureau.

In the second legislature of the European Parliament (1984-1989) the chairman of the Legal Committee, Graf von Stauffenberg, became general rapporteur on Minority Rights and asked me to be a drafting assistant for the report.

In that perspective of course I was very often in Strasbourg and that is how I ended up in the drafting group.

This was the very beginning of the minority language policy of the European Union that started with the newly elected Parliament in 1979, so between 1979 and 1983 there was an interaction of persons and services between the Council of Europe and the Parliament in that area, and that was the atmosphere in which the work of the Charter was carried out.

Mervyn Phillips: As one of the founders of the Europe Centre for Traditional and Regional Cultures in Llangollen, Wales, and as Chief Executive of Clwyd County Council and Secretary of the Welsh Counties Committee, I represented the Committee on regional groupings within Europe. I don't know what the Council of Europe thought about asking me, but I imagine that I was invited to take part because of this background, and I am a lawyer by training.

Lluís Maria de Puig: During my studies at university and later as history teacher, I was very interested in Catalan, and also, in general, in the history of minority languages. When I arrived at the Council of Europe, I was interested in working in this field.

Jean-Marie Woehrling: Being from Alsace put me in an ideal position for the process of drafting the Charter. I had, moreover, also been involved in the drafting of other documents drawn up by the Council of Europe, in particular the Outline Convention on Transfrontier Co-operation and the Charter of Local Self-Government. This was very useful experience for the drafting of the Charter for languages.

Piero Ardizzone: I was Chair of the Italian National Linguistic Minorities Committee and the Italian representative at the European Bureau for Lesser-Used Languages.

Do you speak a regional or minority language?

Yvo Peeters: My mother tongue is not a minority language in Belgium but it is in Brussels. But myself I speak Frisian, Catalan, Galician and I can read Aromanian, Friulian, Rumantsch Grischun and Occitan. I don't know any Celtic languages or any Basque, which are very distinct languages from the mainstream.

Piero Ardizzone: No, I became interested in the problems of lesser-used languages from a human rights perspective.

Mervyn Phillips: Fluency in Welsh as a mother tongue was lost in my family a couple of generations before me, but during my working life and more recently, I have been involved in and familiar with the historic language. Since retirement from local government, I have been Chair of the Church and Society of the Welsh Presbyterian Church which has a majority of its members who are Welsh-speaking and has seen the development of Welsh language and culture as an important public policy.

Jean-Marie Woehrling: I am from Alsace and therefore speak German, namely Alsatian (Elsässerditsch), a regional dialect of German just as Swiss German is, and standard German (Hochdeutsch).

If you think back to the 1970s and 1980s and the political lobbying for a Convention on minority languages, which country/countries and/or language groups were the main driving force behind this process?

Piero Ardizzone: Ireland was without a doubt the most active country. Particular mention should be made of the efforts of Mr Dónall Ó Riagáin, Secretary General of the Bureau for Lesser-Used Languages.

Yvo Peeters: Not only countries, but of course also regions, particularly Catalonia, and the Basque country, some Italian regions like the Aosta Valley, South Tyrol, Friuli, Sardinia and also Wales in the United Kingdom. As a country, the most active or maybe only active state, was the Republic of Ireland, which has a minority language as an official language. And so they were extremely supportive. Without Ireland the European Bureau of Lesser-Used Languages would never have come into being. Behind the scenes they were very active. Strangely enough, Luxemburg, with its complex language regulation, was also very supportive.

Lluís Maria de Puig: When I joined the team in the Conference of Local and Regional Authorities, which had begun its activities in this field, Flanders was very active, and also Friuli. We, the Catalans, were also very active, as too were speakers of some lesser-spoken languages in France, for example the Bretons.

Jean-Marie Woehrling: My recollections are a little vague, but I do remember considerable lobbying by regions and states. We were a group of experts working independently, each one representing only himself without being accountable to any country or pressure group. To be honest, we did our work in a general sense of indifference rather than under the pressure of or attempts to influence from states.

Have you followed the implementation of the Charter since 1998?

Yvo Peeters: I followed the parliamentary debate and the ratification process. Unfortunately as you know, since Belgium cannot ratify the Charter in reflection of its constitutional order, I could of course not be involved in the implementation which I am sorry for but I followed it as one of the directors of the European Bureau for Lesser-Used Languages and from an EU point of view. Mr Ardizzone from Italy was in the same awkward position. Belgium has reached a balanced situation with the federal constitution of 1993 after a century and a half of linguistic discrimination of the Dutch-speaking majority by the French-speaking minority. So the only genuine minority today in Belgium is the 1% German speakers. As long as the French speakers want that residual social upper strata, francophones and francophone immigrants in Flanders should be subject to the Charter, and Flanders cannot agree to ratification, because it would be regressive and restore the linguistic, social discrimination of the 19th century.

Mervyn Phillips: I retired from local government office a good many years ago, but have kept my contact with the European Centre for Training and Regional Co-operation and am currently its Honorary President. I have, however, not been engaged with the Charter's implementation.

Lluís Maria de Puig: Yes, I have been keeping up to date with implementation of the Charter. I have taken pleasure in doing this. In general, all the reports drawn up by the monitoring team have almost invariably been very interesting as regards Catalan and other languages.

Jean-Marie Woehrling: As my commitment to the Charter was voluntary and independent of my professional activity, my involvement in its implementation has varied depending on my availability and the requests of the Council of Europe. In a number of cases, the Council asked me to take part in monitoring activities of the Charter (advice to certain countries involved in the accession process, in particular Romania, Slovakia and Russia, and participation in colloquies on the Charter, drafting of comments, etc.). There were also times when my other professional activities took precedence and when I became a little out of touch with the implementation of the Charter. Of course, I was particularly interested in the debate raised by the Charter in France, and I played a certain role in this debate: I attempted to disseminate information which could have avoided the decision of the Constitutional Council stating that the French constitution was incompatible with the Charter; I instigated colloquies, including in Strasbourg, with the Council of Europe on the Charter and the French constitution; I took part in numerous meetings to help ensure that the contents of the Charter were understood in France. But I have not been able to follow up implementation of the Charter on a permanent basis.

Piero Ardizzone: No, because in 1992 I left the office of the Italian Committee to become cultural attaché at the Italian embassy in Algeria.

What were your expectations in 1987 concerning the extent to which the States Parties would fully implement in practice the undertakings that they would choose under the Charter?

Yvo Peeters: That entirely depends on the state of course, certain states which have institutional or legal frameworks in favour of minority languages were in favour of the Charter but some of them were even a little bit suspicious of the Charter because they thought that it may downgrade the existing situation. The Charter was of course very flexible since it had the step by step construction and certain states thought that it might be a step backwards.

Mervyn Phillips: Enforceability was an issue from the start of drafting but, whether or not States have implemented the Charter, its existence has been of importance as a beacon to governments.

Lluís Maria de Puig: I was very much aware of the battle between minority languages and national languages, and between minorities that had no national position and those that did. So I knew that there would be difficulties. And to tell you the truth, I did not expect that so much progress would be made. Let me say that as someone who was very familiar with the difficulties that Catalan had faced, I did not think that we would be able to go as far as, for example, television channels in the minority language, use of that language in administrative matters, in the justice field, etc. I thought that it would be incredibly difficult and I was, if you will, a little pessimistic. But in the end, we did make progress and from this point of view the Charter was quite extraordinary.

Jean-Marie Woehrling: To be quite honest, we were not very optimistic at the beginning that our work would bear fruit: we thought we had a one in a hundred chance of being successful. We knew that when the group met there had already been several failures regarding incorporation of the right to language in the European Convention on Human Rights, the adoption of other documents protecting linguistic minorities, etc. This was a new attempt, the substance of which was as yet uncertain, initiated at the time by the Conference of Local and Regional Authorities of Europe. We were working a little bit in the dark, without really knowing what direction to take or what the final outcome would be, and we were not very optimistic about that outcome. The structure and general thrust of the Charter emerged little by little. Once the Charter had been adopted by the Council of Europe, we were pleasantly surprised to see that it began to obtain fairly broad acceptance by a growing number of states. At the same time, Europe was changing. The Charter benefited from this new process of the extension of rights and Council of Europe conventions towards central and Eastern Europe. We had not expected all of this.

As far as the Charter's impact is concerned, do you know of any concrete cases where the Charter has improved the situation of a regional or minority language?

Yvo Peeters: I have a very weird case from the Netherlands where the government recognised two regional dialects under the Charter in addition to the Frisian language and this of course did not really please the Frisians very much because it was always considered that Frisian is a separate language of Dutch whilst the Limburgish and Low Saxon dialects have never been considered as a language but now they enjoy recognition under the Charter. I think also in Germany and Austria it gave minorities arguments to defend their case, as well as in Poland, where it was particularly useful for the Kashubians. On the other hand, the exclusion of German by Slovenia was very deplorable.

Mervyn Phillips: This is not information that I have available, but I know that the recognition of the right to speak and use Welsh in public and other institutions in Wales is now well established in Wales. More importantly the education system in Wales has been developed to provide the opportunity for children to learn through the medium of Welsh.

Lluís Maria de Puig: For the Basques, for example, the Charter has been a tremendous help because it was a language that was worse off than Catalan. So it helped them considerably because the mere fact that the language was acknowledged and that the state had an obligation to acknowledge it was a huge step forward. Not as much as with Catalan, which was in a better situation. In principle, there was not a great deal that needed to be done to promote Catalan, but at the same time action was taken because, for example, with regard to the language outside Catalonia (Valencia, the Balearics, the South of France), the fact that the Charter referred to all those areas where the language was spoken was something new which went beyond the legislation already passed in Catalonia. Just imagine - the Charter was drawn up at the very time that Spain began to open up, there was a democratic transition and laws on language were passed. But the Charter represented a positive point that went beyond everything we had achieved up to that time.

Jean-Marie Woehrling: I would say that this is to some extent a trick question because if I were to say no I would give the impression that the Charter served no purpose and if I said yes I would be obliged to show that it was indeed the Charter which had brought about improvements to the situation of regional languages in a given country. But the Charter is just one part of a whole range of actions, part of a much broader process. When things start moving, it is difficult to know if they are moving because of the Charter or whether they would have moved despite the Charter. Of course, a state which ratifies the Charter has taken on board the fact that regional languages are an important issue, something that needs to be addressed and therefore, even before ratifying the Charter, it has taken steps to promote regional languages. Once the Charter has been ratified, generally speaking all the state has to do is to continue along the path it already felt was the right one, drawing on the contents of the Charter. There are also some states which ratify the Charter without any great conviction, or indeed without the commitment to go any further than what they were already doing. The Charter cannot stop certain states from showing ill will or ill faith in implementation. Even for those which act in good faith, it is not a miracle; it is not a pill to be taken when you're not feeling too well and which on its own makes everything better. It is something to make states aware, a commitment to pursue a move forward and bring about change, offering suggestions for the steps to be taken. In this movement of raising awareness of regional or minority languages, the Charter will always be just one element amongst others, but it has played an important role as a catalyst: it has raised awareness and given rise to debate; it has given legitimacy to regional languages; it has highlighted best practice; it integrates local action in a European framework and promotes assessment and replication at European level.

I am therefore convinced that the Charter has played a positive role in the reflection on the need to promote regional languages in many countries. Consider the example of France, where the Charter has become, as it were, a benchmark in all debates on regional languages. Today when we speak about the status of regional languages in France, everybody thinks "Charter" and it is clear that, although it is not been ratified, the Charter has already played a very key role in France in advancing the debate on regional languages.

Piero Ardizzone: The promulgation of the law for the protection of minority languages, Law No. 492, was passed in Italy in 1999.

What were your expectations regarding the time (years) that would probably elapse between ratification and the moment when the Charter would produce its first results in stabilising or even improving the situation of a language?

Yvo Peeters: I personally did not think that a long time would be necessary because the first ratifications would in any case be by the most positively oriented states that with minor adaptations would swiftly comply with the minimum or even more standards of the Charter. The problem is the states that do not recognise any other language than the state majority language, like France, Greece and Turkey, where the Charter would have a great impact.

I feel it's very important for the standing of the Charter that also member states, which have no minorities, should ratify the Charter as political support for the policy. I think of Iceland, Portugal, Ireland, Andorra, Malta, Monaco and San Marino. That should give 7 supplementary state parties, without any problem.

Mervyn Phillips: The recognition of Welsh as an official language in Wales had already been established when the work on the Charter started and in our discussions as a working group the Welsh practice even then was seen as a yardstick to measure the importance of minority languages. Since the time of the Charter there has been even more importance given to the language in Wales.

Lluís Maria de Puig: It is true that the warnings on application of the Charter were taken here as something very positive, and as something mandatory. Just think, for example, when the Charter system produced a report saying that language immersion was very positive, this was quite extraordinary as there was an anti-immersion debate going on in Spain. Some educational intellectuals were telling us that language immersion was wrong, that it was placing an obligation on children and denying the national language. But the Charter's monitoring reports showing the positive results of language immersion were something remarkable. And quite recently too the Council of Europe reports have been quoted. Don't forget that at present there is an Education Minister in Spain who is trying to put an end to the language immersion model. This idea by Señor Wert is a very recent one. He was attempting to put forward a law to limit teaching of non-national languages. At present there are demonstrations throughout Catalonia and everywhere else, to do with language. It is an approach that goes against what the Charter has always said and so the Catalans and the Basques regard these measures as an attack on languages and on the Charter. The Charter is cited constantly, even yesterday in the debates, because of this Minister who all of a sudden said that language immersion was wrong.

Jean-Marie Woehrling: As I have already said, at the beginning we were not very optimistic. We thought that at any rate it would be a long process and so we were not surprised by the delays in implementing the Charter and, subsequently, the application in practice by the ratifying states. We knew that it would be a slow process which would come up against considerable resistance.

In France, the current President of the Republic has promised to ratify the Charter and that will be a very difficult exercise since the constitution has to be amended, which means securing the votes of 60% of the members of the National Assembly. This is an extremely uncertain prospect. In addition, we must not merely ratify the Charter without changing anything in legislation and in the instruments of support for regional languages. This is why I personally have suggested that we do not regard the Charter as a first step towards a change in legislation and the way things are organised in France to promote regional languages, but as a culmination. We need to draw inspiration from the Charter and implement it even before ratifying it; in this way, ratification will be like a ripe fruit ready to fall once all the obstacles have been overcome.

There are also countries such as Greece and Turkey where it is to be hoped that the political and social context will change and bring about an opening. In Greece, it is perhaps the economic crisis which will encourage the country to question its monolingual creed and accept that regional languages are part of the heritage of Greece. In Turkey, it is the need to pursue the process of democratisation which could help bring this about. There are also countries which are not members of the Council of Europe, but which are not far away from it – such as Morocco which has just recognised Berber as a language of the country – which are embarking on a process of recognising minority cultures. So I think there will be other ratifications adding to the list of countries that have already acceded to the Charter.

Are there aspects in the text of the Charter and/or its mechanism that should have been done differently in retrospect? Which ones, and how?

Yvo Peeters: I don't think so. I think the absolute originality of the Charter resides in its step by step system in the gradation of the rights the applying states can choose, and also in combination with the choice of languages. The state can choose a language, and choose the different grades it wants to give to it and I don't think there are many, or even any, international legal documents of the same kind. At this time a major point that I would like to make is that between the drafting of the Charter and the coming into force of the Charter, let's say between 1982 and 1992, of course the collapse of the Communist system happened, the reunification of Germany and the integration of the Central European states in the Council of Europe. These Central European states had a large number of minorities and also experience of the League of Nations' minority system and of the particular way in which communist systems regarded national minorities. For

instance in particular I think the Kashubians in Poland greatly benefited from the Charter and as long as the most discriminating Council of Europe member states have not ratified and implemented the Charter, I would not be in favour of making any amendments or additions.

Lluís Maria de Puig: There is no doubt that some things could be improved but at the moment I haven't been working on the Charter. There were certainly some aspects, especially for example in the media: more extensive, more open and much less restricted use of minority languages. Of course, the use of minority languages in the private sphere also depends on what is profitable. I know there are some people who have asked for this but it is perhaps a little difficult and it depends on a commitment to purchasing devices that, for example, provide instructions in Catalan or Basque or other minority languages.

I remember that when I was in the team drafting the Charter, in my country in Catalonia, there was a television channel which offered a few programmes in Catalan just from time to time. And now we have three channels in Catalan. Can you imagine three Catalan channels all day? This is because we are a community of seven and a half million. We have grown in number – 20 years ago there were just six million of us and now there are seven and a half million. The Catalan channel can be picked up in the south of France, the Balearic Islands and Valencia and so these regions are connected to Catalan television and the people there of course have all the Spanish channels but in addition they now have three Catalan channels. And things got considerably better when the channels in the minority language began broadcasting football matches and sport. Because if you have a channel broadcasting a match between Barcelona and Valencia in Catalan, this is something wonderful for young people in those two cities. Now there are seven television channels in Catalan – in Valencia, the Balearic Islands, Catalonia and Andorra, etc. There has therefore been an exponential increase.

In the south of France, in Roussillon, Perpignan, etc. they are very much into rugby but not so much into football. In contrast, in Catalonia there are world-class clubs such as Barça. Rugby, however, is not so well-known in southern Catalonia. But once it started being shown on television, all of a sudden in the southern, Spanish part of Catalonia, there was great interest in rugby – which up to then had been by and large ignored there – and it now has a phenomenal following, a result of being able to watch it on television.

Moreover, the Perpignan rugby team is called the Catalans. And they have a team anthem which is a Catalan song, composed by a Catalan musician.

So sport in general has been a great success. There are also a number of literary and historical programmes which have attracted considerable interest.

You might be watching a television series and suddenly someone is shown speaking Catalan with a Perpignan accent and then somebody else with a Valencia accent. There are differences in the way people speak in Perpignan and Valencia. We understand each other perfectly but it's different and that gives you some idea of the language. For example the weather forecast. The person who gives you the weather forecast each morning, each afternoon and each evening is someone who speaks Catalan with a different accent. This highlights the fact that there are differences in the language. All of a sudden everyone discovers that the language has differences but people still understand. There is an educational effect of language simply through its being used.

Jean-Marie Woehrling: Of course, the text of the Charter is far from being perfect. It represents more an "unexpected miracle" than an absolutely carefully planned construction. After years of discussion, we began drafting a text by putting pieces together and it so happens that these pieces ultimately slotted together very nicely, but there are also aspects of the Charter which need to be reviewed.

The first point perhaps is that the rationale of the Charter should be clearer, so that the difference from other instruments, regarding human rights or the rights of minorities, is more evident. The Charter has an approach all of its own, but one which in some way has become established without the authors fully being aware of it, namely the definition of rights for languages themselves rather than for the speakers of those languages, who are merely the secondary beneficiaries of the status acknowledged to those languages. The speakers are, to a certain extent, the instruments for promoting languages; the beneficiaries of the Charter are all those citizens of a country who benefit from the wealth represented by the existence of regional languages. The use of regional languages should be open to every interested person and not restricted to a group of traditional speakers. That is the philosophy of the Charter and it could be made a little bit more explicit in the text of the Charter.

Another problem resides in the fact that for fear of not obtaining ratification by states, in the text of the Charter the obligations incumbent on states were perhaps not worded sufficiently forcefully; we could say that the bar was set a little too low regarding Part III: here some of the commitments are really very weak. As a result, those states which merely go through the motions when ratifying the Charter are able to enter into commitments which cost them very little and which have only very limited effect on the situation of regional languages. So we could say that some of the standards of the Charter are too low, and that it has opened the door to “low-cost” ratification which does not entail a conversion of the state towards the genuine defence of regional languages.

Because of this, Part II has been seen as a simple list of wishes without any legal force. Quite rightly, this Part has been regarded by the Committee of Experts as the central part of the Charter and as a set of provisions laying down fundamental legal principles which must be applied in all cases by all states for all languages covered by the Charter, with Part III being, as it were, an illustration of Part II with examples of implementation; but the commitments entered into under Part III do not exempt states from fully implementing the principles set out in Part II. This common sense interpretation has reinvigorated the Charter: Part II must be seen as comprising genuine legal obligations.

Lastly, certain provisions of Part III have aged a little because of technological developments. This is true in particular of the provisions relating to the media, which assume a strong media scene controlled by the public authorities. Furthermore, the Charter of course makes no mention of the Internet.

Piero Ardizzone: I do not have any changes to suggest to the text as it now stands.

Do you think that the contents of the Charter still correspond to present day realities? If not, what would you update, for example by means of an additional protocol?

Mervyn Phillips: At the time that the working party were looking at the drafts, the developed texts were appropriate. It was, and remains, important that any provision should have the capability of enforcement and this limits the opportunity for aspirational reflections. For instance, if you ask me “do you get adequate regional cover by the media”, then I could point to the separate Welsh language television and radio channels, but I would not consider that this something that could be included as an enforceable obligation.

Jean-Marie Woehrling: The idea of an additional protocol is an interesting one. Clearly, certain provisions of the Charter have aged, such as those relating to the media which I’ve already mentioned. But these provisions referring to the media can be interpreted in such a way as to include the modern media. With regard to private media, the opportunities for state intervention are much more restricted. Even where they do take action, any steps to promote regional

languages are drowned in a mass of communication of such magnitude that regional languages are barely visible there. With regard to the Internet, it is no longer a question of law, it is basically a problem of financial support, except that regional languages have scant resources to enable them to have a high profile on the net. Moreover, the problem has changed: communicating today is often less expensive than it was in the past, but there is such a mass of communication that regional or minority languages are further minoritised in relation to the dominant media which, by and large, are in English.

Even when we were drafting the Charter, we were well aware that the traditional adversary of regional languages was not so much a state wishing to impose a national language and therefore bring about the disappearance of regional languages. Today, the state is less and less the active enemy of regional languages; it is basically indifferent or insufficiently attentive and it is the market (the job market, the media market, population mobility brought about by the market, etc.) which is crushing these regional languages and giving a boost to more significant linguistic vehicles. All regions in which a regional language was still spoken are affected by population movements. Its speakers move elsewhere, where the language means nothing, and conversely, speakers of other languages come and settle in the region, and end up imposing other linguistic practices. So today, globalisation is the real main threat to regional languages. This also shows one of the possible weaknesses of the Charter: the Charter tries to avoid associating the regional language with a feeling of national or regional belonging, as is the case for national languages. The latter have become the vehicles of the national identity. However, in the Charter, we wanted to develop a more modern philosophy: there could be an identity-related aspect for these languages, but above all we were highlighting the cultural dimension. Today, one may well wonder whether it is realistic in order to save regional languages not to emphasise the identity aspect, the fact that the regional language is above all a means for a person to define his or her identity. Deep down, those regional languages which manage to survive or to grow are the languages which are supported by a strong feeling of identity, which means therefore that a regional language is no longer simply a cultural object.

Piero Ardizzone: I believe that the Charter is still topical.

It is occasionally pointed out that the Charter has been prepared by Western Europeans for Western Europe, that the Charter therefore would "not work" in Eastern Europe, and that consequently some Eastern European states would have good reason not to ratify it. What would you reply to such statements?

Piero Ardizzone: Clearly, the situation in Eastern Europe is very different because of the Communist regimes there in the recent past.

Yvo Peeters: That is really quite interesting as a question. I was and still am involved in the OSCE. I have always taken into account the Eastern and Central European situation and I know that Professor Ermacora also did. I don't know about the other members of the drafting committee. But it was interesting that in the Communist legal system there was a larger formal respect for minorities and linguistic diversity than in most of the Western European states around 1980. For instance in Vojvodina you had official signs in 6 different languages. The problem of course resided in the undemocratic nature of those systems and the implementation, but formally we could still learn a lot from these communist states. The best proof is that after the collapse of communism, Central European states were quick in ratifying the Charter. Half of current parties are from there. So it is rather Western Europe that is lagging behind. My recollection from contact with representatives of regions in Eastern Europe in the 1980s was that their readiness to participate in the work of the Council of Europe was comprehensive.

Lluís Maria de Puig: There are minority languages and minoritised languages. Very often a language may have been spoken for centuries and then all of a sudden the dominant state

language is imposed, and so the language is said to be minoritised. It is normal for everyone to lay claim to their language. Language, as defined by the Council of Europe and in the Charter is a fundamental right. It is a possibility open to everyone. If you go to Eastern Europe, you find that there is a wide range of linguistic minorities. They may be a linguistic minority in one country but speak a language which is a majority language in another country. One example is Hungarian in Romania. Hungary exists as a state and it is the majority language in Hungary, no doubt about it. But who protects the Hungarians living in Romania? There is no special law there and it is therefore normal to turn to the Charter. This at least is a document which, thanks to the guarantees it sets out, affords the possibility to defend these languages which are either official languages in another state or minority languages. This is very interesting because deep down we know that it is a dramatic situation: many of these languages will be lost. We know this for a fact. Over the last thousand years we have lost some 3 000 languages. Just think, some languages with very few speakers are going to perish because there is no critical mass, there is nobody left who speaks it and no possibility of recovering it. So just think that in 50 years' time, according to sociolinguists, we may lose 1 000 or so languages. And it is clear that the first languages to be lost will no doubt be the minority languages. This is a very critical situation but it is one which depends on the will and commitment of people, states and citizens.

Jean-Marie Woehrling: It is true that it was made by West Europeans, but in fact it works no worse in Eastern Europe than it does in Western Europe; in certain East European countries, it even works better. So I don't think that one can really say that the Charter is suitable only for Western Europe. What is true is that in Eastern Europe, much more than in Western Europe, the Charter complements the Framework Convention on National Minorities. In central and eastern Europe, this concept of minority is still very strong.

However, implementation of the Charter should not be a problem for countries that traditionally think in terms of national minorities. The cultural approach of the Charter is more acceptable for a state than the approach in terms of national minority. The Charter comprises numerous elements stressing the fact that speakers of the minority language are fully-fledged citizens of the country, who should know the majority language. Accordingly, the fundamental principles of the organisation of the state are upheld; one is seeking only to safeguard a cultural asset, a regional language, which is an asset of benefit even to those who don't speak that language. So, there is a strong commitment to achieving consensus which should not be any more troublesome to Eastern Europe than to Western Europe. What could, however, happen in both Eastern and Western Europe moreover, is a confusion between the approach adopted by the Charter and the approach of national minorities. It happens that the Charter is rejected because of a fear that national minorities may assert themselves when it is implemented.

In modern society, the concept of a national minority may be difficult to implement, when there is such a mixture of populations that it is difficult to distinguish a genuine national minority within a homogenous population. For a minority to exist, it must be aware of a particular identity which expresses itself in a particular language. However, frequently we see situations where people have a great attachment to a language, to a culture, but without having the feeling of forming a community that is distinct from the rest of the population.

How do you see the division of labour between the Charter and the Framework Convention for the Protection of National Minorities?

Yvo Peeters: Now with retrospect that I see that almost 40 states have ratified the Framework Convention and the Charter only 25 - I would never have expected it in 1980. Most of us saw the Charter as a legally far weaker document than the Framework Convention. It is legally very different to recognise the existence of languages and granting some rights to the speakers of those languages than recognising national minorities as a subject of law. That is a very different thing. So I am very curious to know for instance why or which states have ratified the Framework

Convention and not ratified the Charter. To me it is a totally illogical situation. As a constitutional lawyer and an international lawyer; I cannot see how a state that has recognised national minorities could object to the Charter.

Mervyn Phillips: I think that the concept and rights of National Minorities were not presented as an issue before us in the working party.

Lluís Maria de Puig: I am not able at the moment to make an analysis, but I believe it is a question of rights and of the implementation of unmistakable rights. For example, you refer to the Convention on national minorities. There is a problem with that. I was rapporteur at the Council of Europe on this topic. I was given all the files. It's complicated, almost impossible. We had already drafted the Charter. There are no community or collective rights, as it were. There is general agreement that rights have been considered as individual rights, not as collective rights. For example, France has never acknowledged that certain minorities are national minorities. Why is this? Because the concept of collective rights does not exist. When we were drafting the Charter on languages, it was clear that we could not deal with language matters as a national matter. We could not say that there was a minority language that was a nation and that this nation or national minority had rights. We couldn't say that because the concept did not exist. We had to apply the idea of the rights of individuals who belonged to a national minority. The difference is not the rights of the national minority, but the rights of individuals belonging to that minority. And because it is an individual right I think it is above all the Convention that demonstrates all the developments of these rights. It is always a very controversial issue and it seems to me that it is easier to distinguish a linguistic minority than a national minority. Many linguistic minorities can be perfectly limited to the geographical area where the language is spoken and you can also indicate how widely that language is used but a national minority is something which derives from the patriotism of each individual. It is very difficult to define what is my homeland, what is not my homeland, the greater nation and the smaller nation.

Jean-Marie Woehrling: The Framework Convention seems particularly suited to situations where there is a group which has a very strong feeling of constituting a distinct community for various reasons, such as language, religion or history. The Framework Convention says that this feeling of community, this feeling of individual identity must be respected by giving the community in question the means of continuing to exist, of developing its particular features with due regard for the state in which this community lives. What the Framework Convention proposes is a sort of linguistic, cultural and political autonomy for a community, inside a state which recognises that minority, but without that minority achieving a higher level of its own state-like organisation. This approach of the Framework Convention is suitable for communities which want to differentiate themselves from the rest of the population and achieve an autonomous status, while at the same time being content with that status and having no desire to obtain the status of independence or separation from the state in which they are found. This situation is fairly frequent in Europe. There are dozens of different statuses of regional autonomy in Europe. It is a formula which remains relevant, but alongside this there are also much less clear-cut situations in which there are people who do not consider themselves to be a group that is distinct from the rest of the population, who do not feel that they belong to a particular community, but who simply have a particular cultural claim, of a linguistic nature, often for individual interests and not community interests. In this case, the Charter is more suited.

One example is the situation on the border between Germany and Denmark, where there are schools in Germany where Danish is taught in response to demands from people belonging initially to the Danish minority in Germany. But now the schools also attract Germans from the South or Turkish immigrants who prefer those schools to the official German schools. These people are interested in Danish but do not feel that they belong to a separate community. In Alsace too, we have bilingual classes chosen by parents who do not feel they belong to a particular Alsatian minority, but who are convinced that it is a bonus for their children. The Framework Convention is particularly suited to geographical situations in which a group is aware of having a specific identity; this is the case, for example, in South Tyrol. But in Brittany, the

Breton population does not feel that it constitutes a group which is separate from the rest of France; moreover, those involved in promoting Breton are often people who are not Breton by origin. In such cases, a more flexible approach, which focuses more on the cultural dimension of the language, such as is the case with the Charter, is more suited.

Piero Ardizzone: The two documents complement each other.

It is often said nowadays that there are too many monitoring mechanisms and that some of these mechanisms overlap, leading to a so-called "monitoring fatigue" in some states. In addition, States Parties to the Charter are facing severe budgetary constraints. How do you see the long-term future of the Charter against that background?

Piero Ardizzone: The long-term future of the Charter no doubt depends on finding a solution to the current economic crisis which is affecting virtually all countries. Obviously, too much bureaucracy in monitoring can cause difficulties.

Mervyn Phillips: It's the question of enforcement again. What is important is that people are seen to have a right to some redress if they suffer as a result of the Charter not being implemented. Consensus on this was and is a continuing challenge.

Lluís Maria de Puig: I would have to look at each one individually to see as I haven't worked on this topic for a long time. I'm quite surprised to find that I can reply to your questions because I have forgotten so much.

Jean-Marie Woehrling: I am not too aware of the monitoring mechanisms; perhaps some monitoring mechanisms are too cumbersome and we need to assess how they are put into practice. But I don't think that one can say for the Charter that the monitoring mechanisms are overall too cumbersome. Sometimes, their implementation is bureaucratic, but as far as substance is concerned, they are relatively manageable.

Increasingly, the problem of budgetary restrictions is raised. This is a classic argument used to inhibit all demands relating to regional or minority languages. I think that by and large this is an argument which is in bad faith because, for example, a German, Breton or Basque teacher is no more expensive than a French teacher. An hour of television in Occitan is no more expensive than an hour of television in French. So there is a false view of costs in this field, because the cost of the regional language is calculated, but without calculating the cost of the national language. It is possible, without spending more money, to redirect the money currently used towards measures which will be of linguistic benefit to regional languages. For example, and this is what I am proposing in Alsace, without increasing cultural grants, part of those could be set aside for cultural measures having a "regional language" dimension. This will not cost the public budgets a cent more, but all cultural players would know that if they propose a cultural product with a regional linguistic dimension, they would have more chance of obtaining a grant. So, money questions are of little relevance in this field; but it is true that this argument is always used to reject demands for the promotion of regional languages.

The Charter avoids references to national minorities so as to also make it acceptable to countries which do not recognise minorities. To what extent is this differentiation still reasonable and necessary at a time when 39 states have recognised minorities by ratifying the Framework Convention for the Protection of National Minorities?

Piero Ardizzone: National minorities should not be regarded as a hotbed of separatism, threatening the unity of states. Everything depends on the treatment they receive.

Yvo Peeters: I understand that this intricate system of reporting is a huge bureaucracy. If one could integrate the two systems it would probably simplify administration, but nevertheless I personally think that it is still useful that the Language Charter exists separately from the Framework Convention. Now if we see that the fact that some states that have ratified the Framework Convention and not the Charter, and their only or major objection would be administrative overload of some kind, that would be a serious argument, but still I turn the argument in the reverse in the sense that to my opinion, as long as there are still states that have ratified the Framework Convention and not the Charter, the argument stays to keep the two documents.

And as long as not all Council of Europe members have ratified the Charter, the argument also stays. So I can understand the wish for administrative simplification but I think there is still a justification to keep the two documents at this time.

Lluís Maria de Puig: I do not know what interests states have. Maybe they think that the Framework Convention for the protection of national minorities is a rather political matter and that language is perhaps a more rational, administrative, practical matter, I don't know exactly. I don't know what these states think. It will always be controversial because there is the national ideology that comes into play.

Jean-Marie Woehrling: There are still countries where the concept of national minorities is not acknowledged. Let me take France as an example: if you speak about national minorities in France, you are virtually considered as posing a threat to the integrity of the nation. The Constitutional Council has, moreover, said that there are no minorities in France, as the constitutional rules in France are incompatible with the recognition of minorities. No doubt there are some other countries that adopt a similar approach. Consequently, this problem is a pressing one and becomes even more so since, with the process of modernisation of society, there is growing individualism. In this context, allegiance to a minority is tending to decrease.

The reference to traditional languages is a unique feature of the Charter. On the other hand, there is also a political and legal discussion about extending classical minority rights to migrants (so-called "new minorities"). Against this background, the protection of traditional national minorities and their languages may in the future be under pressure to justify. What arguments speak, in your view, in favour of maintaining the Charter's emphasis on traditional languages in the decades to come?

Piero Ardizzone: For migrants, I think we need to think of other solutions as their situations are very different. There is a danger that we could complicate the situation if we impose too many obligations and commitments on states.

Yvo Peeters: It was a point which was very, very thoroughly discussed in the drafting committee which found itself under huge pressure. I still stand by the position we took then, and I would absolutely and most strongly object to the extension of the Charter to the languages of immigrant communities because it is a different category of law, it would void the Charter of all significance if

we would include immigrant language communities because to my opinion the language rights of immigrant communities is a matter of private personal law, in the individual sphere, whilst the languages of the autochthonous communities are a matter of public sphere.

If I recall correctly, it's been 30 years but I have all the archives here, every single sheet of paper, and this was the only point on which the members of the drafting committee was put under pressure and were approached by lobbying groups and organisations in order not to make the distinction between autochthonous and allochthonous but we did not do that of course.

Mervyn Phillips: It is important to maintain the distinction between national minorities and minority languages within a nation state. The two categories do not necessarily equate and there is a further factor that needs to be taken into account. As I suggested in my book *Wales - Nation or Region*, within a nation state it is possible to have a nation-region, as in Wales, where the historic language of that nation/region is not the language of the majority. Without going to any further into this, it leads, in my view, to the conclusion that there is advantage in maintaining the reference to traditional languages in order to maintain the integrity of the Charter. To consider the position of the other issues raised are significant but should be for separate and new consideration.

Lluís Maria de Puig: I think we need to distinguish minority languages spoken by a minority which of course is not just three people, but a minority which has a certain significance in the traditional language. The problem of migrants is something else. In Barcelona there are almost 150 languages that are spoken. The Abraham Centre was set up for Arabs, Jews and all languages coming from Asia, Africa etc. It is almost impossible to give these languages and these migrants the same rights as those given to traditional minorities. It is already quite a significant step forward which has been made in establishing a centre bringing together language teachers. Furthermore, what most migrants want is to learn the national language. There we have a little problem because when an African arrives in Barcelona, he or she may perhaps speak a few words of French if he or she comes from a more French-speaking area, but a migrant is not usually a great linguist. Otherwise he or she may speak Swahili, Berber, etc. For migrants, therefore, the main interest is to be able to speak the language of the country, but if they arrive in Catalonia they will immediately see that the majority language there is Catalan and not Spanish. Usually there is a reflex to learn Spanish; this is normal because these migrants maybe arrive in Barcelona but they could arrive in Madrid.

But quite simply, perhaps by chance, they arrive in Barcelona and the language spoken there is Catalan. So what do they do? Generally, we have a good understanding of the situation of immigrants. If they can speak Castilian (Spanish), there is no difficulty as this is understood. But they also understand that in order to integrate into the country it is worthwhile learning Catalan, because if they want to work in a public establishment, they will have to communicate with others, with the public. If an old person writes and speaks to you in Catalan, you have to know how to reply. So it is a little complicated. But a miracle must have happened here because the Abraham Centre works very well. There are 150 languages spoken in Barcelona and in virtually all Catalan cities everyone speaks his or her own language. But their main concern is not to preserve their own language, it is to learn the language of the country they have just arrived in. It's a bit like what happens in America. You are Italian, you live in New York. With your family you speak Sicilian Italian, but you speak it like Americans. There are many minorities in the United States but the language is English and there is even a concept of American patriotism in the flags and all that.

As to when the minority becomes traditional, we have to look at history. I can well imagine that the German groups who went to Russia 60 years ago continued to speak German in Russia. Or another, very clear case: the Russian troops who invaded the Baltic countries. In those countries there is a very strong Russian minority. They were military personnel, thousands of military personnel who went there and who stayed there. And then there was a second and third generation and now there are people there who are Russian, who speak Russian, whose parents

and grandparents have always spoken Russian, but in Lithuania for example, they are Lithuanian, because they were not born or have never lived in Russia. So are they Russian or are they Lithuanian?

I think there are cases, which have been well studied, where you have to take the view that they are a traditional minority, and I'm not sure whether traditional is the word but it is true that there are situations when minorities should be considered as being traditional. If not, there would be so much apartheid and xenophobia in the world.

There are so many situations which are complicated. It is not easy.

Jean-Marie Woehrling: This is clearly a fundamental problem. Personally, I think that the Charter was right not to incorporate the migrants issue in its scope. I think these are two completely different issues, except perhaps in certain countries. In Europe in general, the speakers of regional or minority languages are amongst the oldest residents of the countries in question; they have been citizens of those countries for a long time and it is there that they feel is their home. They do not wish to challenge this citizenship, they speak the national language perfectly, they are perfectly integrated into the society of the country in question. In contrast, they want their linguistic and cultural traditions to be taken into account. But for the languages of migrants, we have different problems: they are often people who are not well integrated, who often also have problems in the social and employment sphere. For them, the question of language is just one of other problems in the process of integrating into the host society. Therefore, it seems to me that the model adopted by the Charter is not really suited for migrants. Furthermore, one cannot take the view that the languages of recent immigration are part of the cultural wealth of the host country, as is the case for the historical languages. In addition, there is a tactical aspect: the opponents of the Charter and the opponents of recognition of regional or minority languages say that they would very much like to do something for regional or minority languages but cannot, because they would be obliged to give the same support to the languages of immigration. However, as the latter number several dozen, it is quite simply impossible. It is not possible to have the same treatment for regional languages and for languages of immigration. Let us take the example of Strasbourg: we have a regional language there, and we demand the provision of bilingual classes in French and German; if this regional language were to be put on the same footing as Arabic, Turkish, Spanish, Russian, Chinese and many other languages of immigration, we could be sure that nothing further would be done for any of these languages. The regional language is a public territorial language, whose position as a shared wealth is asserted by the Charter. The languages of immigration are community languages, whose interest and dignity are perfectly acknowledged, but in a different register.

If one wishes to avoid purely symbolic measures, it has to be accepted that not all languages have the same status. I think it is important to state that there are languages which must be given a public status – regional languages – and languages which retain a community character, which nonetheless deserve support so that the communities concerned can preserve their own cultural heritage. This distinction is quite rightly provided for in the Charter. Of course, the boundary between the two may at times be a little unclear. Perhaps one day, in a particular region in France, it will be accepted that Berber is a traditional regional language of France, which colonised Algeria more than 150 years ago. Nevertheless, it seems to me important to limit application of the Charter to traditional languages so as to avoid complete deadlock in certain countries.

Obviously, this does not prevent us from developing instruments to protect the languages of immigration. Simply, however, this would need to be done on another basis, with a different model.

What will be the situation of the Charter in 2050? Do you think that by the year 2050 the Charter and the Framework Convention for the Protection of National Minorities will have been merged?

Piero Ardizzone: I cannot imagine what the world and Europe will look like in 2050. It is better not to indulge too much in fantasy but rather to look at the much closer future.

Yvo Peeters: That is really futuristic, you take a little bit of a long horizon, predicting any social political evolution on a 40 year horizon, then that is just guess work, but I think the Charter will certainly exist in 2022, that's all I can say. What will our society look like in 2050 from its linguistic composition? This is to be seen much later.

Mervyn Phillips: Migratory patterns will grow over the next few years and the movement of people is going to increase rather than decrease. To put the Charter and the Framework together is to create difficulties in definition and the Charter may well be revisited and revised but the protection and promotion of traditional minority languages is, I hope, important and significant enough to stand on its own.

Lluís Maria de Puig: I don't really know what will happen because such developments are very slow. I can speak about my own preferences. I think that these should merge. We need to find a formula that will apply to both cases. The international organisations have constantly been addressing more and more complicated issues. Even though in the United Nations it has taken so long to recognise certain individual and collective rights, it is perfectly possible that steps will be taken in the right direction. I do not think that in the future there will be fewer rights than today. I think there will be more rights. This is the story of my life. When I was a child, there were no children's rights. When I was a young man, no women's rights. I heard my mother asking "is any account taken of women?" But things have changed tremendously, and it's extraordinary the changes that we have seen over the last 40-50 years. Now there are laws, conventions, the Universal Declaration of women's rights, the rights of young people, and I think that this is going to increase in the years to come. We will see a fine-tuning of codes and laws. And I hope that in the area of minority languages and national minorities there will also be progress made.

Jean-Marie Woehrling: I have no precise idea of how the Charter will look in 2050. I do not believe that the languages of immigration pose a threat to national languages. What does threaten the proper integration of immigrant communities into the country would be the fact that they were not proficient in the national language. But even in such cases, the problems would be of a social rather than a linguistic nature. So, I do not think that national languages will be threatened by the languages of immigration. In contrast, they are threatened by "globish", this common language, a variant of an impoverished English, which will become more and more widespread, as migration grows, with Portuguese and Spaniards going to work in Germany, Poles working in the United Kingdom, etc. Obviously, this process does not threaten national languages with disappearance but it can weaken them. This process could, to a certain extent, have an indirect beneficial effect for regional languages, because the feeling of cultural insecurity produced by globalisation, the unease generated by the loss of identity, the fact of being drowned in the great global village, could lead a number of people to return to their regional identity, which is more concrete, more pleasant, more tangible than the national identity, which becomes something abstract and unconvincing. So, in 2050, it is possible that the process of globalisation which weakens national languages will open up a new prospect for regional languages, but this is just a hypothesis.

Interview: Alexey Kozhemyakov, Nina Carlsson

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