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THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

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

THE NETHERLANDS

The Netherlands: Frisian

**EUROPEAN CHARTER FOR
REGIONAL OR MINORITY LANGUAGES**

**Report on the measures taken by
the Netherlands with regard to
the Frisian language and culture**

Fryske Akademy

1999

I. Introduction

1.1. The Government of the Kingdom of the Netherlands officially notified the Council of Europe on 2 May 1996 that the European Charter for Regional or Minority Languages (ETS 148) had been accepted for the Netherlands, after a Bill to this effect had been passed by the Lower House of the Dutch Parliament on 19 October 1995 and by the Upper House on 23 January 1996 (Bulletin of Acts and Orders (*Staatsblad*) 1996, 136). The Netherlands was thus the fourth member State of the Council of Europe to accept or ratify the Charter.

The Charter had previously been accepted or ratified by Finland (9 November 1994), Hungary (26 April 1995) and Norway (10 November 1993). By the end of 1997 three other member States had accepted or ratified the Charter, namely Croatia (5 November 1997), Liechtenstein (18 November 1997) and Switzerland (23 December 1997).

1.2. The Charter entered into force on 1 March 1998 when - in accordance with the provisions of Article 19 - the requirement that the Charter be accepted, ratified or approved by at least five member States of the Council of Europe had been fulfilled.

Each member State of the Council of Europe that consents to be bound by the Charter is at least bound to apply the provisions of Part II of the Charter, unless one or more reservations have been made as referred to in Article 21, paragraph 1. In addition, a member State may also undertake to apply provisions of Part III of the Charter, in accordance with Article 2, paragraph 2.

1.3. The text of the European Charter for Regional or Minority Languages of 5 November 1992 was done in English and French. The Government of the Kingdom of the Netherlands published both texts in the 1993 volume of the Dutch Treaty Series (*Tractatenblad*), no. 1. The Dutch translation was published in the 1993 volume of the Dutch Treaty Series, no. 199. No. 20 (at letter C) of the 1998 volume of the Dutch Treaty Series is also relevant to the Dutch translation.

1.4. When accepting the Charter in 1996, the Netherlands undertook to apply the provisions of Part II of the Charter to the following regional or minority languages spoken within its territory:

- Frisian
- Low Saxon languages
- Yiddish
- the languages of the Romany.

The provisions of the Charter entered into force for the Kingdom of the Netherlands on 1 March 1998. As far as the constituent parts of the Kingdom of the Netherlands are concerned, the Charter will apply only to the Netherlands in Europe (cf. Dutch Treaty Series 1998, 20).

1.5. The Government of the Kingdom of the Netherlands gave an additional undertaking to the Council of Europe on 19 March 1997 concerning the official recognition of the language of Limburg as a regional language within the meaning of Article 2, paragraph 1, of the Charter. The Netherlands thereby consented to be bound by the principles of Part II of the Charter in relation to the language of Limburg too (cf. Dutch Treaty Series, 1998 vol., no. 20).

1.6. As regards the Frisian language in the province of Fryslân (Friesland), the Netherlands also undertook - in accordance with Article 2, paragraph 2 of the Charter - 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 (education) and 12 (cultural activities and facilities) and one from each of the Articles 9 (judicial authorities), 10 (administrative authorities and public services), 11 (media) and 13 (economic and social life).

1.7. When accepting the Charter the Netherlands undertook, in accordance with the 'menu' system described in the previous subsection, to apply 48 provisions. The provisions to be accepted were chosen on the basis of the existing government policy on the Frisian language and culture. The following provisions were chosen (cf. Dutch Treaty Series, 1998 vol., no. 20):

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|---|--|---|
| 9 | provisions from Article 8 (<i>education</i>) | |
| | Art. 8, paragraph 1, sub-paragraph (a) (ii) | pre-school education |
| | Art. 8, paragraph 1, sub-paragraph (b) (ii) | primary education |
| | Art. 8, paragraph 1, sub-paragraph (c) (iii) | secondary education |
| | Art. 8, paragraph 1, sub-paragraph (e) (ii) | university and higher education |
| | Art. 8, paragraph 1, sub-paragraph (f) (i) | adult and continuing education |
| | Art. 8, paragraph 1, sub-paragraph (g) | teaching of the history and culture reflected by Frisian |
| | Art. 8, paragraph 1, sub-paragraph (h) | basic and further training of teachers |
| | Art. 8, paragraph 1, sub-paragraph (i) | supervisory body for Art. 8 |
| | Art. 8, paragraph 2 | educational facilities outside the province of Fryslân |
| 6 | provisions from Article 9 (<i>judicial authorities</i>) | |
| | Art. 9, paragraph 1, sub-paragraph (a) (ii) | in criminal proceedings: right of accused to use Frisian |
| | Art. 9, paragraph 1, sub-paragraph (a) (iii) | in criminal proceedings: requests and evidence, whether written or oral |
| | Art. 9, paragraph 1, sub-paragraph (b) (iii) | in civil proceedings: documents and evidence in the language |
| | Art. 9, paragraph 1, sub-paragraph (c) (ii) | in proceedings before the administrative courts: oral |
| | Art. 9, paragraph 1, sub-paragraph (c) (iii) | in proceedings before the administrative courts: documents and evidence |
| | Art. 9, paragraph 2, sub-paragraph (b) | validity of legal documents |

- 12 provisions from **Article 10** (*administrative authorities and public services*)
- Art. 10, paragraph 1, sub-paragraph (a)(v) in relation to central government bodies
 - Art. 10, paragraph 1, sub-paragraph (c) in relation to central government bodies
 - Art. 10, paragraph 2, sub-paragraph (a-f) in relation to local and regional authorities
 - Art. 10, paragraph 2, sub-paragraph (g) use of place-names
 - Art. 10, paragraph 4, sub-paragraph (a) additional measures: translation/interpretation
 - Art. 10, paragraph 4, sub-paragraph (c) additional measures: public service employees
 - Art. 10, paragraph 5 family names
- 5 provisions from **Article 11** (*media*)
- Art. 11, paragraph 1, sub-paragraph (a)(iii) broadcasting organisations
 - Art. 11, paragraph 1, sub-paragraph (b)(ii) radio programmes
 - Art. 11, paragraph 1, sub-paragraph (c)(iii) television programmes
 - Art. 11, paragraph 1, sub-paragraph (f)(ii) audiovisual productions
 - Art. 11, paragraph 2 broadcasts in Frisian from neighbouring countries
- 9 provisions from **Article 12** (*cultural activities and facilities*)
- Art. 12, paragraph 1, sub-paragraph (a) general cultural promotion
 - Art. 12, paragraph 1, sub-paragraph (b) translations from regional language into another language
 - Art. 12, paragraph 1, sub-paragraph (d) bodies responsible for organising or supporting various forms of cultural activity
 - Art. 12, paragraph 1, sub-paragraph (e) staff working for the above bodies
 - Art. 12, paragraph 1, sub-paragraph (f) involvement in planning of cultural activities
 - Art. 12, paragraph 1, sub-paragraph (g) repository body
 - Art. 12, paragraph 1, sub-paragraph (h) translation and terminological research services
 - Art. 12, paragraph 2 facilities for users of Frisian beyond the provincial borders
 - Art. 12, paragraph 3 cultural policy abroad
- 5 provisions from **Article 13** (*economic and social life*)
- Art. 13, paragraph 1, sub-paragraph (a) contracts of employment, instructions for use etc.
 - Art. 13, paragraph 1, sub-paragraph (c) practices designed to discourage use of regional language
 - Art. 13, paragraph 1, sub-paragraph (d) general encouragement
 - Art. 13, paragraph 2, sub-paragraph (b) economic and social sectors directly under control of public authorities
 - Art. 13, paragraph 2, sub-paragraph (c) social care facilities: retirement homes, hospitals etc.
- 2 provisions from **article 14** (*transfrontier exchanges*)
- Art. 14, paragraph (a) cultural agreement with neighbouring country in which the same language is spoken
 - Art. 14, paragraph (b) international exchange and co-operation.

1.8. With a view to the preparation of the periodical report prescribed in Article 15 of the Charter, an inventory of the measures taken by the Netherlands to apply the provisions of Part III accepted by the Netherlands in relation to the Frisian language has been prepared by the *Fryske Akademy* (Frisian Academy of Arts and Sciences) at the request of the Dutch Ministry of the Interior.

1.9. The Committee of Ministers, as referred to in Article 15 of the Charter, has not yet taken a decision on the form of the report. The inventory referred to in section 1.8 above is confined to the provisions of Part III of the Charter that have been accepted by the Netherlands in relation to the Frisian language. The following report deals with the matters in the same order as in the above-mentioned Part III. First of all, however, the report contains a brief chapter on Frisian as a language since the Middle Ages (chapter II) and a chapter on the current use of Frisian in the province of Fryslân (chapter III).

Chapters IV-X provide a survey of the measures taken by the Netherlands to encourage the use of Frisian in public life in accordance with the undertakings given pursuant to Article 2, paragraph 2, of the Charter:

- education chapter IV
- judicial authorities chapter V
- administrative authorities and public services chapter VI
- media chapter VII
- cultural activities and facilities chapter VIII
- economic and social life chapter IX
- transfrontier exchanges chapter X

The report also contains four annexes giving a concise survey of the increasing attention paid by the Dutch authorities to the Frisian language and culture in the period from 1937 to 1998.

1.10. In order to implement the measures to promote the Frisian language and culture, an accord known as an ‘Administrative Agreement’ is periodically concluded between the central government of the Netherlands and the province of Fryslân.¹ Where necessary, the following report makes reference to the relevant provisions of the 1993 Administrative Agreement and to the way in which these provisions have been implemented.²

¹ The first Administrative Agreement on the Frisian language and culture was signed on 4 July 1989 and the second on 8 November 1993. A new Administrative Agreement is presently being prepared and is expected to be signed by the parties in 1998. The texts of the Administrative Agreements are published in the Government Gazette (*Staatscourant*) (see Government Gazette 1989, 133, and Government Gazette 1993, 237).

² Of particular importance in this connection is the *Report of the State Secretary for the Interior on the implementation of the Administrative Agreement on the Frisian language and culture for the years 1994/1995*, which was sent to the

1.11. This report describes the position on 1 March 1998, which was the date on which the Charter entered into force for the Netherlands. However, a few subsequent amendments to the law are included in the part on education (chapter IV) (cf. sections 4.23, 4.30 and 4.43 below).

An attempt has been made at the end of each chapter of this report to give a concise summary of Dutch policy measures in the light of the undertakings given under the Charter. The only exception is education (chapter IV); owing to the complexity of the subject matter, a concise summary has in this case been given at the end of each paragraph, such as primary education, secondary education, etc.

1.12. Finally, it should be noted that the Government of the Kingdom of the Netherlands signed the Framework Convention for the Protection of National Minorities of 1 February 1995 (ETS 157) on 1 February 1995, together with 20 other member States of the Council of Europe.³

The text of the Framework Convention has been done in English and French. The Government of the Kingdom of the Netherlands published both texts in the 1995 volume of the Dutch Treaty Series (*Tractatenblad*), no. 73. The Dutch translation was published in the 1995 volume of the Dutch Treaty Series, no. 197.

The Framework Convention will enter into force on 1 February 1998, when - in accordance with the provisions of Article 28 - the requirement that the Charter be accepted, ratified or approved by at least twelve member States of the Council of Europe will have been fulfilled. For the purposes of this report, it is sufficient to observe that the Netherlands has not yet ratified the Framework Convention.

Speaker of the Lower House of the States General on 26 January 1996.

³ Germany ratified the Framework Convention on 10 September 1997, when it gave an undertaking that the Convention would be applied to, *inter alia*, Frisian people who have German citizenship (as regards the Frisian language in Germany, see also sections 2.1, 7.16 and 10.5-10.8).

II. The Frisian language: from Old to New Frisian⁴

2.1. The Frisian language is spoken in the Dutch province of Fryslân, which has a total of some 600,000 inhabitants. Frisian is a language that differs from but is also related to Dutch. Frisian may be classified as a West-Germanic language, which comes (together with Dutch) between German and English. Frisian is spoken not only in the Netherlands but also in Germany (cf. sections 1.12, 7.16 and 10.5-10.8). However, these are variants that differ to some extent from the Frisian spoken in Dutch province of Fryslân.

2.2. In the Middle Ages the present Dutch province of Fryslân was completely Frisian-speaking. At that time Frisian was also spoken in what is now known as the province of Groningen and in East-Friesland in Germany. In the Middle Ages Frisian served not only as the language of oral communication but also as the official language of government and the courts.

2.3. Since the late fifteenth century and early sixteenth century Dutch has gained increasing influence in Fryslân. In the course of the sixteenth century, the public administration, judiciary, schools and church switched to using only Dutch. Frisian was in fact squeezed out of the domain of public life and largely ceased to be used in written form. Furthermore, Frisian disappeared almost entirely outside the province of Fryslân, even as a language of oral communication. This happened first in the province of Groningen and later in East-Friesland in Germany.

2.4. Although Frisian was thereafter used almost exclusively for oral communication in the province of Fryslân, it retained its special position, even when a certain unification of language occurred in the Low Countries after 1800. Frisian remained the language of the people, and was influenced relatively little by Dutch. Around 1800 the Frisian language developed into what became known as 'New Frisian'.

2.5. In the course of the nineteenth century Frisian gradually regained access to more areas of life and was once again used in writing. It was not until the twentieth century, however, that Frisian regained a place in the public administration, judiciary, schools and church. Frisian is now also making inroads in the new media such as radio and television (cf. chapter VII).

III. The use of Frisian in the province of Fryslân: the current situation

3.1 Fryslân is officially recognised as a bilingual province. In other words,

⁴ Chapters II and II of this report are an abridged version of sections 1-4 of *De Friese Taal* (The Frisian Language), a brochure published by the provincial administration of Fryslân. The relevant sections have been edited and updated for the purpose of the present report as the brochure was published in 1987.

Dutch and Frisian have official status in the province of Fryslân and are used alongside one another. In the course of the twentieth century, the central government of the Netherlands has introduced laws regulating the use of Frisian in education, the courts and legal transactions, public administration and the media. In addition, the central government has also made financial resources available to maintain and promote the Frisian language and culture. Furthermore, the province of Fryslân pursues an active policy designed to put the Frisian and Dutch languages on an equal footing, in both a formal and a material sense, on the basis of the reports *Fan geunst nei rjocht (From favour to right)* (1983) and the *Ramtnota Taalbelied* (1991).⁵

3.2. The Frisian language has not only an oral but also a written tradition. In the same way that the Dutch Language Union is empowered to fix the spelling of the Dutch language for use in government documents and in education in the Netherlands and the Flemish-speaking part of Belgium, the provincial administration of Fryslân is empowered to fix the spelling of the Frisian language. The provincial council of Fryslân exercised this power in 1976 when it introduced spelling changes.

3.3 As censuses ceased to be held in the Netherlands a long time ago, it is no longer possible to provide information about the language situation in Fryslân.⁶

3.4 In 1984 the *Fryske Akademy* published the results of a large-scale language survey conducted among the population of Fryslân. The survey, entitled *Taal yn Fryslân*, provided detailed information about the use of and attitude to language on the part of over 1,100 respondents. The survey was repeated in 1994. The results of this second large-scale language survey were published in 1995 under the title *Taal yn Fryslân op 'e nij besjoen*.⁷ The results of both surveys show that 71% of the inhabitants of Fryslân regard themselves as Frisian. In addition, a majority of the respondents considered that being Frisian was more important than being Dutch.

⁵ *Annexe 1* of the present report contains a chronological list of the main statutory measures taken in the twentieth century for the benefit of the Frisian language. For a list of the main positions taken by the Government on the Frisian language, reference should be made to *Annexe 2*. *Annexe 3* contains a list of the reports and policy papers that have played an important role in the formulation of policy on the Frisian language and culture. Finally, *Annexe 4* lists the European and international conventions relevant to the Frisian language and culture.

⁶ It should be noted that the censuses conducted until 1971 did not contain any questions regarding the respondents' command of Frisian.

⁷ * Gorter, D., Jelsma, G.H., Van der Plank, P.H. and De Vos, K., (1984) *Taal yn Fryslân*. Ljouwert/Leeuwarden: *Fryske Akademy*.

* Gorter, D., and Jonkman, R.J. (1995) *Taal yn Fryslân op 'e nij besjoen*. Ljouwert/Leeuwarden: *Fryske Akademy (Sosjaal-wittenskiplike rige; 12)*.

3.5. The 1994 survey also revealed that in the case of the population aged 12 years and over (1980 figures in brackets):

- approximately 94% could understand Frisian (94%)
- approximately 74% could speak Frisian (73%)
- approximately 65% could read Frisian (65%)
- approximately 17% could write Frisian (11%)

3.6. Some observations need to be made about these percentages. Despite the very high percentage of the inhabitants that can understand Frisian, the language has only a limited function in various regional or social contexts. For example, the percentage of people not wishing to understand Frisian in certain situations is markedly higher than the 6% who are really unable to understand it. It should be noted that Dutch speakers are aided in understanding Frisian by the fact that the two languages are quite closely related.

3.7. Although 74% of the inhabitants of Fryslân can speak Frisian, this does not mean that they always do so. However, Frisian is the first language of approximately 55% of the inhabitants. There are also people for whom Frisian is the normal language of communication at work or in social intercourse, but who speak another language at home.

3.8. The explanation for the fairly large difference between the percentages indicating that they can understand Frisian (94%) and speak Frisian (74%) is evident from the language map of Fryslân.

3.9. The following observations can be made about the language distribution in the province. The situation in the municipalities of Weststellingwerf and Ooststellingwerf (shown together on the map as Stellingwerven) is that three languages co-exist: besides Dutch and Frisian there is also ‘Stellingwerfs’, a variant of Low Saxon (an important medium of communication). A trilingual situation also exists in the municipality of Het Bildt, which was largely created by the reclamation of the area in around 1600: ‘Bildts’ is spoken alongside Dutch and Frisian. Virtually no Frisian is spoken on the island of Ameland or on the island of Vlieland, which is situated to the west of Terschelling. Frisian dialects - which differ greatly from Frisian - are spoken on the islands of Terschelling and Schiermonnikoog.

3.10. A different language process has taken place since around 1500 in the Frisian towns of Leeuwarden, Sneek, Dokkum, Bolsward, Harlingen, Franeker and, more recently, Heerenveen. As a result of the contacts with speakers of other languages, particularly in the course of trade, the inhabitants of these towns started speaking a variant of Dutch strongly overlaid with Frisian. This ‘city Frisian’ as it came to be known also gave the urban population a means of setting themselves apart from their ‘country cousins’. City Frisian was the language of the upper echelons of society in Fryslân until well into the twentieth century. However, its status has now declined and it is rapidly losing ground to Dutch and,

to a lesser extent, Frisian.

3.11. One event that has had a great influence on the use of Frisian in recent decades has been migration. Not only have many Frisian speakers left the province, but many Dutch speakers have settled in the Frisian towns and in the countryside where Frisian has been traditionally spoken. This has resulted in a marked trend towards 'Dutchification'.

3.12. As against this, there has been a modest process of 'Frisification'. One of the findings of the *Taal yn Fryslân* survey in 1984 was that Frisian is gaining increasing acceptance as an ordinary language in areas that were formerly the exclusive preserve of Dutch. The gap between the status of the two languages is therefore steadily narrowing.

IV. Article 8: Education

4.1. Current government policy on the Frisian language and culture in education is the subject of chapter 4 of the 1993 Administrative Agreement. In a nutshell, the policy is that education in the province of Fryslân should prepare all pupils to function in a bilingual Frisian-Dutch society and that education should therefore not be limited to providing opportunities for pupils to develop in their mother tongue.

Article 8, paragraph 1, sub-paragraph (a) (ii): pre-school education

4.2. In the Netherlands pre-school education does not come within the competence of the Ministry of Education, Culture and Science and is not formally part of the Dutch education system. Responsibility for the provision of pre-school education was decentralised under the Welfare Act (*Welzijnswet*) 1994 (Bulletin of Acts and Orders 447) and rests with the municipalities. The funding is arranged through the general grant from the Municipalities Fund.

Section 20 (1) of the Welfare Act 1994 provides that rules governing the quality of forms of child care designated by Order in Council must be laid down by municipal bye-law. On this basis the Minister of Health, Welfare and Sport formulated minimum quality criteria in the Child Care (Quality Rules) Temporary Order (*Tijdelijk besluit kwaliteitsregels kinderopvang*) (Bulletin of Acts and Orders 1995, 578), which took effect on 1 January 1996. In other respects, the quality criteria should be specified in the municipal bye-law. Playgroups (see section 4.3 below) are not covered by the operation of the Child Care (Quality Rules) Temporary Order.

4.3. All facilities for children in the 2-4 age group such as playgroups and kindergartens are regarded as pre-school education. Playgroups and other pre-school facilities are designed to give children the opportunity to develop their knowledge of the language and their creative and social skills. The majority of pre-school facilities have been set up as a result of initiatives by parents and/or private bodies and are supervised by the municipal authorities.

4.4. When accepting the Charter the Netherlands consented in relation to pre-school education to the provision that it would “make available a substantial part of pre-school education” in Frisian (Article 8, paragraph 1, sub-paragraph (a), option (ii)). ‘Substantial’ means that a more than symbolic part of the teaching periods must be given in Frisian, i.e. that Frisian too is used as a medium of instruction (cf. Parliamentary Documents II, 1994-1995, 24 092, no. 5, p. 7).

4.5. In general, little information is available about the use and position of Frisian in playgroups and kindergartens in the province of Fryslân. It may be assumed that the extent to which Frisian is used in playgroups and kindergartens in the province of Fryslân depends on the language background of the children present. A survey in 1984 into the use of Frisian and Dutch in pre-school education in the province of Fryslân revealed that Frisian was scarcely used in

kindergartens in urban areas and that kindergartens in rural areas are largely bilingual (Frisian and Dutch).⁸

4.6. The *Stifting Pjutteboartersplak*, founded in 1989, is responsible for running the Frisian-language playgroups set up as a result of initiatives by parents. This foundation aims to provide a playgroup environment in which Frisian is spoken. The playgroups or *pjutteboartersplakken*, as they are known in Frisian, admit both Dutch-speaking and Frisian-speaking children. The first *pjutteboartersplakken* were created in urban centres where parents were dissatisfied with the failure of the existing pre-school provision to take account of the Frisian background of their children. In 1995/1996 the foundation was responsible for eleven playgroups (with places for 150 children) in 6 towns and villages in different parts of the province of Fryslân.

4.7. *In summary*, the position is as follows. No statutory measures have been taken to regulate the position and use of Frisian in playgroups in the province of Fryslân, unlike the situation with regard to primary education, secondary education and special (secondary) education. Nor has any statutory provision been made for the incorporation of the Frisian language into the ordinary training courses for the staff of playgroups and kindergartens in the province (cf. sections 4.77 and 4.78).

4.8. It should also be noted that no recent survey of the position of Frisian in playgroups and kindergartens is available. This is why it is not possible to answer with any certainty the question of the extent to which the Netherlands fulfils requirement that a substantial part of pre-school education in the province of Fryslân be given in Frisian.

Article 8, paragraph 1, sub-paragraph (b)(ii): primary education

4.9. Primary education in the Netherlands is intended for children aged 4 to 12 years and covers an 8-year period spread over 8 classes. Although the primary schools admit children from the age of 4 onwards, attendance is compulsory by law only from the age of 5. The first year of primary school is therefore optional. Education in the primary schools is regulated by law in the Primary Education Act (*Wet op het Basisonderwijs*) of 1981.⁹

4.10. Section 9 of the Primary Education Act lists the subjects that must be taught in all primary schools. The law does not regulate how these subjects are to be taught or how much time should be spent on each subject. However, key

⁸ Duipmans, D. (1984) *Frisian in playgroup and kindergarten: a survey of the use of Frisian and Dutch in playgroups and kindergartens in Friesland*. Ljouwert/Leeuwarden: *Provinsiale Underwiisried fan Fryslân*.

⁹ Primary education is now regulated in the new Primary Education Act, which took effect on 1 August 1998 (cf. section 4.23 below).

objectives have been laid down by Order in Council for all compulsory subjects (cf. 4.16 et seq.).

4.11. When accepting the Charter the Netherlands consented in relation to primary education to the provision that it would “make available a substantial part of primary education” in Frisian (Article 8, paragraph 1, sub-paragraph (b) option (ii)). As already mentioned in the section on pre-school education, ‘substantial’ means that a more than symbolic part of the teaching periods must be given in Frisian, i.e. that Frisian too is used as a medium of instruction (cf. section 4.4 above).

4.12. To ensure that pupils are given the opportunity to function in a bilingual society, it has been provided by law (section 7 (4) Primary Education Act) that all primary schools in the province of Fryslân should in principle be obliged to teach Frisian as a compulsory subject for all pupils. Consequently, primary education at schools in the province of Fryslân includes education in Frisian unless the Provincial Executive of Fryslân has granted an exemption. The schools themselves determine how they incorporate Frisian into the curriculum and have to justify their arrangements in a school work plan.

4.13. In the 1988/89 school year the Provincial Executive of Fryslân exempted some 10% of the primary schools in the province from the statutory obligation to provide education in Frisian. The policy of the Provincial Executive of Fryslân since that date has been gradually to reduce the number of exemptions. In consultation with the Education Inspectorate it has paid special attention to the situation in the municipalities of Ooststellingwerf and Weststellingwerf and on the islands of Schiermonnikoog and Ameland (cf. the Inspectorate, 1995a).¹⁰ Programmes that take account of the local situation have been developed for the schools in these municipalities. At the time of reporting (mid-1997) 12 primary schools have requested exemption from the statutory obligation to teach Frisian as a subject.

In addition, a separate statutory arrangement governs the teaching of Frisian at schools that provide special education. The education at such schools may include the Frisian language (section 12 of the Special Education Interim Act (*Interimwet op het Speciaal Onderwijs en het Voortgezet Speciaal Onderwijs*)).

4.14. *In summary*, the position is as follows. The great majority of primary schools in the province of Fryslân comply with the statutory requirement that they teach the subject of Frisian. A survey by the Education Inspectorate (1989, pp. 34/35) shows that in the late 1980s relatively little time was spent on teaching the subject of Frisian. At that time the majority of schools in the province spent

¹⁰ Education Inspectorate (1995a), *Fries in heemkunde en sociale wereldoriëntatie* (Frisian in the study of local history and in environmental studies), De Meern: Education Inspectorate.

about 30-45 minutes a week teaching Frisian. No recent data on the time invested in the subject of Frisian in primary education are presently available. However, the Education Inspectorate intends to carry out a survey of the position of Frisian in all primary schools in the province of Fryslân in the 1998/1989 school year.

4.15. Section 9 (8) of the Primary Education Act provides for the possibility that primary schools in the province of Fryslân may use Frisian as the *medium of instruction*. The 1989 survey report of the Education Inspectorate referred to in the previous section shows (pp. 36-38) that in the late 1980s around one fifth of the primary schools used Frisian as the medium of instruction in other subjects, and that over half of the schools used Frisian as the medium of instruction for between 10% and 30% of the time. Recent data on the use of Frisian as the medium of instruction in primary education will become available when the planned survey referred to in the previous section has been performed.

4.16. Since the Inspectorate carried out its last survey of the position of Frisian in all primary schools in the province of Fryslân (1989), educational reforms have been introduced that are also of importance to the subject of Frisian. Key objectives have been adopted by the Ministry of Education for each of the subjects taught in primary schools. These objectives have been laid down in a Primary Education (Key Objectives) Order (*Besluit kerndoelen basisonderwijs*) of 4 May 1993 (Bulletin of Acts and Orders 164). The primary schools are required to treat the key objectives for each of the subjects as targets to be achieved by the end of each child's primary schooling.¹¹

4.17. Key objectives were also formulated for the subjects of Frisian and Dutch in 1993. The key objectives describe the knowledge and skills to be developed by the pupils in order to be able to use both languages in situations that occur in daily life. By the time they leave primary school, the pupils must be able to understand, speak, read and write both Frisian and Dutch. It is not possible at present to say with any certainty how much time must be invested in the subject of Frisian to ensure that these key objectives are attained. The survey announced by the Education Inspectorate (cf. section 4.14 above) may perhaps shed more light on this.

4.18. As already mentioned, there has as yet been no survey of the extent to which the key objectives fixed in 1993 have been achieved. However, a study of the objectives of primary schools in teaching Frisian was made in the period before 1993. A survey by the Education Inspectorate (1983, pp. 31-32) showed that in the late 1980s two thirds of the primary schools in the province of Fryslân reported that they made no distinction as regards the subject of Frisian between Frisian-speaking and non-Frisian-speaking pupils. The majority of the schools in this category declared that in teaching Frisian their aim was to ensure that the

¹¹ A review of the primary education key objectives is currently being prepared (cf. section 4.24 below).

pupils could understand, speak and read Frisian. The vast majority of the schools that made no distinction between Frisian-speaking and non-Frisian-speaking pupils believed that there was no need to focus on teaching the children to write Frisian.

43% of the schools that did make a distinction between Frisian-speaking and non-Frisian-speaking pupils reported that the Frisian-speaking pupils should also learn to write Frisian. In general, it can be concluded that over 85% of all primary schools in the province of Fryslân do not teach non-Frisian-speaking pupils to write Frisian. This percentage may have declined since the introduction of the key objectives in 1993.

4.19. It should be noted in this connection that it was announced in Article 4.2.3 of the 1993 Administrative Agreement that the Minister of Education and Science would initiate an amendment to the Primary Education Act and the Special Education Interim Act. The amendment would involve the inclusion of a section providing that the State would reimburse the province of Fryslân each year for the costs of providing the resources for education in the Frisian language. This part of the 1993 Administrative Agreement was implemented by the Act of 4 July 1996 (Bulletin of Acts and Orders 403), which included a provision in section 100 (2) of the Primary Education Act and section 97 (2) of the Special Education Interim Act to the effect that the State would reimburse the province of Fryslân each year for the costs of providing the resources for education in the Frisian language. The province of Fryslân arranges for the apportionment of this grant among the schools concerned in proportion to the number of pupils receiving tuition in Frisian. The amount involved each year is 450,000 guilders

4.20. It should also be noted that the Minister of Education and Science agreed in the 1993 Administrative Agreement, after consultation with the Provincial Executive of Fryslân, to arrange for the National Institute for Educational Measurement (CITO) to prepare annual tests to measure educational attainment in Frisian at primary school level. The Ministry has now made available resources for the development of such tests.

4.21. It should also be noted that the Ministry of Education and Science provides an annual sum for school counselling services for the subject of Frisian in primary education, in order to enhance the quality of the teaching of Frisian. A survey carried out by the University of Twente's Research Centre for the Application of Educational Theory resulted in a report¹² in 1993 on the way in

¹² Jong, R. de and Vries, S.A. de (1993) *Fries onder druk: eindrapport project fries* (Frisian under pressure: Frisian project final report). Enschede, University of Twente's Research Centre for the Application of Educational Theory. 235 schools were contacted for this survey. The response rate was 58%, which amounted to 136 schools. One of the findings of the survey was that on average Frisian is taught or used by 4.3 teachers at every primary school in Fryslân. Given that the average number of teachers at a primary school in Fryslân is 5.6, this meant that 80% of the

which the extra funds for the support of Frisian were used by the Joint Centre for Educational Counselling (GCO) in the province of Fryslân. The report also deals with the use made by schools (particularly primary schools) of the school counselling service and their assessment of the service. The primary schools in Fryslân that responded to the survey were in general satisfied with the provision and quality of the service provided by the Joint Centre for Educational Counselling. Almost all the schools involved use products (in Frisian) of the Fryslân Joint Centre for Educational Counselling. On average the schools used these products for about half of the subjects taught. It follows that the Frisian primary schools that took part in the survey made intensive use of the products of the Joint Centre.

4.22. The central government contribution for improving the quality of the teaching of Frisian in primary schools, as referred to in the previous section, has been incorporated into a new special-purpose grant for the support of education in the Frisian language since the start of the 1996/1997 school year. The new special-purpose grant is given to the province of Fryslân to enable it to meet the costs of providing education in Frisian. The grant replaces the subsidies formerly paid to the school counselling services and to the colleges for counselling, training and further training in Frisian.

On that occasion the fixed special-purpose grants paid to school counselling services and colleges that operate in Fryslân (totalling 1 million guilders) were replaced by a special-purpose grant to the province of Fryslân amounting to 0.9 million guilders in 1997; the new grant was linked to the index of wages and prices. The grant covers not only the costs of school counselling services but also the extra costs of improving the quality of the lessons in Frisian at teacher training college and of academic research into the teaching of Frisian in primary schools. The special-purpose grant, which is also intended to cover the teaching of Frisian in the basic curriculum of secondary education (cf. sections 4.28-4.29 and 4.34 et seq.), has been allocated for a period of four years (1 August 1996 to 1 August 2000). At the end of this period it will be decided whether the special-purpose grant should be continued (see also sections 4.82 and 4.83 below).

4.23. The Upper House of Parliament passed a Bill on 31 March 1998 introducing, among other things, the new Primary Education Act (WPO). The Act was published in the Bulletin of Acts and Orders (28 April 1998, no. 228) and will take effect, save for a few exceptions, on 1 August 1998.

The provisions of the former Primary Education Act (WBO) relating to the subject of Frisian and the use of Frisian as a medium of instruction have been incorporated into the new Primary Education Act (WPO).

teachers in primary schools taught or used Frisian in class. When interpreting these figures, one should of course bear in mind that this is a selected population and that the findings cannot therefore simply be extrapolated to cover other primary schools in the province of Fryslân.

4.24. An amendment to the key objectives for primary education is also being prepared. The draft amendments to the key objectives for primary schools do not include any changes to key objectives for the subject of Frisian. This is because a start has been made on the formulation of interim objectives for the Dutch language. This may well result in changes to key objectives for Dutch. As the key objectives for Dutch and Frisian are closely related, it has been decided that the key objectives for Frisian should not be reviewed for the time being (see the explanatory memorandum to the draft Order in Council for the key objectives, as referred to above). The existing key objectives for Frisian, which were adopted in 1993, therefore continue to guide the educational provision of the primary schools in the province of Fryslân (cf. sections 4.17 and 4.18).

4.25. *In summary*, the position is as follows. As the most recent Educational Inspectorate survey of the position of Frisian as a subject and a medium of instruction in all primary schools in the province of Fryslân dates from 1988-89, it is impossible to say with any certainty at present whether the primary schools in Fryslân make available a substantial part of primary education in the Frisian language, as referred to in the relevant provision of the Charter.¹³ However, it is clear from earlier inspection reports and the exemption policy of the province of Fryslân (cf. sections 4.13-4.15) that the Frisian language has acquired a visible place in the timetables of the primary schools in the province of Fryslân. This observation was confirmed by the findings of the survey conducted in 1993 among a selected population of primary schools in Fryslân (cf. section 4.21).

It should be noted in this connection that central government has taken a number of supplementary measures to improve the position of Frisian in primary education. Examples are:

- the adoption of key objectives for the subject of Frisian in primary education (cf. sections 4.16-4.18 above);
- the provision of funds to defray the costs of providing the resources for education in the Frisian language in primary schools (section 4.19);
- the provision of funds for the development of tests to measure educational attainment in Frisian at primary school level (section 4.20); and
- the provision of funds to improve the quality of the teaching of Frisian in primary schools by means of training and further training (sections 4.21 and 4.22).

4.26. In order to have information in the future about the position of Frisian as a subject and a medium of instruction in all primary schools in Fryslân (among other things because of the periodical three-yearly reports in the context of the European Charter for regional or minority languages), it would seem desirable for a survey to be carried out - either prior to or at the same time as these periodical

¹³ As noted elsewhere, 'substantial' means that more than a symbolic part of the lessons should be given in Frisian, i.e. that Frisian should also be used a medium of instruction (cf. sections 4.4 and 4.11).

reports - into the current position of Frisian as a subject and a medium of instruction in primary education in the province of Fryslân, in order to assess the extent to which more than a symbolic part of the lessons are given in Frisian in the primary schools in the province of Fryslân (in accordance with Article 8, paragraph 1, sub-paragraph (b)(ii) of the Charter).

A periodical survey of this kind could be carried out in the context of the undertaking given by the Netherlands pursuant to Article 8, paragraph 1, sub-paragraph (i), of the Charter. It should be noted in this connection that the Ministry of Education, Culture and Science has announced that the Education Inspectorate will also examine in the course of its activities whether the schools fulfil the key objectives for Frisian, and that further arrangements will be made regarding the reports on the teaching of Frisian as a subject and its use as a medium of instruction.

Article 8, paragraph 1, sub-paragraph (c) (iii): secondary education

4.27. After completing their primary education, pupils enter secondary school. Secondary education is regulated by law in the Secondary Education Act (*Wet op het voortgezet onderwijs*). The following forms of secondary education exist:

- pre-vocational education (VBO), which lasts for four years;
- junior general secondary education (MAVO), which also lasts for four years;
- senior general secondary education (HAVO), which lasts for five years; pre-university education (VWO), which lasts for six years.

Compulsory full-time education ends at the end of the school year in which the pupil reaches the age of 16.

4.28. Since the 1993/1994 school year, pupils (aged 12-15 years) attending Dutch secondary schools have been required initially to follow a programme of ‘basic education’ for, on average, a period of three years. The basic education, which is in principle the same for all schools, can last for between 2 and 4 years. In the interests of its pupils, a school can organise the basic education in such a way that the pupils achieve the key objectives of the basic education in a minimum of two years and a maximum of four years. The basic education ends with final tests.

4.29. The recommended timetable for basic education comprises 15 compulsory subjects for all pupils, but schools can vary the timetable considerably in practice. In the case of schools in Fryslân the basic education includes the teaching of Frisian (cf. section 4.34 below).

The basic education is part of the first stage of secondary education.¹⁴

¹⁴ The first stage of secondary education consists of:
* the first three grades of pre-university education (VWO) and senior general secondary education (HAVO);
* all grades of junior general secondary education (MAVO) and pre-

4.30. The separate categories of secondary education that follow the basis education have different curricula.

As regards the second stage of secondary education,¹⁵ Parliament passed a Bill in 1997 to amend the Secondary Education Act in connection with the introduction of so-called ‘profiles’ (subject combinations) in the higher grades of pre-university education (VWO) and senior general secondary education (HAVO); the Act on second stage profiles has been published in the Bulletin of Acts and Orders (2 July 1997, no. 322) and will enter into force on 1 August 1998.

As regards the higher grades of junior general secondary education (MAVO) and pre-vocational education (VBO), the Government laid a Bill before Parliament in 1997 to introduce ‘learning paths’ (syllabuses) in these categories of education (cf. section 4.43 below). This bill was passed by both Houses of Parliament in 1998. The MAVO/VBO Courses Act has been published in the Bulletin of Acts and Orders (18 June 1998, no. 337) and will enter into force on 1 August 1998.

4.31. When accepting the Charter the Netherlands gave an undertaking in relation to secondary education to “provide, within secondary education, for the teaching of” Frisian “as an integral part of the curriculum” (Article 8, paragraph 1, sub-paragraph (c) option (iii)). During the procedure that led to acceptance of the Charter, the Government chose option (iii) for secondary education rather than option (ii) because the latter would have required a substantial part of secondary education to have been made available in Frisian (for the meaning of “substantial”, see sections 4.4 and 4.11 above).

4.32. The Dutch Government made the following note about options (ii) and (iii) (cf. Parliamentary Documents II, 1994-1995, 24 092, no. 5, p. 7): “Article 8, paragraph 1, sub-paragraph (c)(ii), means that Frisian would, to a substantial extent, have to be the medium of instruction, whereas article 8, paragraph 1, sub-paragraph (c)(iii), refers to the teaching of Frisian as a separate subject. The Government would point out here that it is possible for schools to choose voluntarily to use Frisian as a medium of instruction. This will depend on the local and regional situation.”

4.33. As regards the position of Frisian as a subject in secondary education, this report will deal first of all with the basic education (the lower grades of secondary school) (see sections 4.34-4.39 below). It will then go on to consider the position of Frisian in the upper grades of junior general secondary education (MAVO) and pre-vocational education (VBO) and in the second stage of

vocational education (VBO).

¹⁵ The second stage of secondary education consists of the upper grades of pre-university education (VWO) and senior general secondary education (HAVO), i.e.
* VWO - the fourth to sixth grades;
* HAVO - the fourth and fifth grades.

secondary education (sections 4.40-4.45 below). Finally, it will deal with the use of Frisian as a medium of instruction in secondary education (section 4.46).

4.34. When the concept of basic education was introduced in 1993, Frisian was added as the sixteenth compulsory subject in the lower classes of the secondary schools in the province of Fryslân (section 11a (2)(b) Secondary Education Act). At the request of the competent authority, the Education Inspectorate may grant a full or partial exemption from this obligation for a year at a time. Some secondary schools have requested and obtained an exemption.

4.35. By introducing this statutory arrangement, the Netherlands has, in relation to basic education, formally fulfilled its undertaking to provide for the teaching of Frisian as an integral part of the curriculum, as referred to in the relevant provision of the Charter. It should be noted, incidentally, that no additional funds have been allocated to the schools for teaching the extra subject of Frisian. In the view of the Ministry of Education, Culture and Science, the costs can be met from the ordinary funding of the relevant schools. The special-purpose grant referred to in section 4.22 above for the improvement of the quality of teaching in Frisian is partly intended to cover the teaching of Frisian in basic education.

4.36. Key objectives for the subjects taught in basic education at secondary school were adopted by Order in Council in 1993 (Basic Education (Key Objectives and Recommended Teaching Hours Table) Order 1993-1998 (*Besluit kerndoelen en adviesurentabel basisvorming 1993-1998*): Bulletin of Acts and Orders 1993, no. 208). However, no key objectives have been laid down by law for the subject of Frisian in basic education. Guidelines for the teaching of Frisian in basic education that correspond to the key objectives for the teaching of Dutch have nonetheless been published in the Ministry's regulations, no. 13a (17 May 1993).¹⁶ Using these guidelines, the National Institute for Curriculum Development (SLO) developed a model curriculum in 1994 for the teaching of Frisian as a subject in the lower classes of secondary schools. Models of the internal examinations to be set for Frisian at the end of the period of basic education are available. The first generation of model internal examinations for Frisian in basic education were sent to the relevant schools in the spring of 1995. They were followed a year later by the second generation of internal examinations. The examinations have been developed by the National Institute for Educational Measurement (CITO) in Arnhem.

4.37. The Ministry of Education has supported the introduction of Frisian as a

¹⁶ The key objectives for basic education 1998-2003 will come into force on 1 August 1998 (Basic Education (Key Objectives and Recommended Teaching Hours Table) Order 1998-2003 (*Besluit kerndoelen en adviesurentabel basisvorming 1999-2003*): Bulletin of Acts and Orders 1997, no. 484). The 1998-2003 guidelines for Frisian based on the key objectives for Dutch were published in the Ministry's regulations, no. 31 (10 December 1997).

subject in basic education on a project basis, in accordance with the 1993 Administrative Agreement. Article 4.3.5 of the 1993 Administrative Agreement also provides for the submission of a report by the coordinator of the Frisian project. The first report was published at the end of 1994. The reaction of the State Secretary for Education, Culture and Science to the report was sent to the Speaker of the Lower House of Parliament on 22 March 1995. The report on the 1994/95 school year has also now been issued. In response, the State Secretary has stated that she will await the findings of the survey to be carried out by the Education Inspectorate into the position of Frisian in secondary education (cf. section 4.39) before deciding whether further measures in respect of Frisian in basic education would be desirable.

4.38. Article 4.3.6 of the 1993 Administrative Agreement also provides for the development and distribution of teaching material for Frisian in secondary schools. This material has been developed by the *Algemeine Fryske Underrjocht Kommissje (Afûk)*, the Joint Centre for Educational Counselling (GCO) in the province of Fryslân (GCO fryslân) and a commercial publishing house. The *Flotwei Frysk* method has been developed for the lower classes of secondary schools. Its development was made possible by subsidies provided by the Ministry of Education, Culture and Science and the European Commission.¹⁷

4.30. *In summary*, the position with regard to basic education in secondary schools is as follows. The statutory measures have been taken in accordance with the Charter in order to provide for the teaching of Frisian as an integral part of the basic curriculum. However, there is an impression that the introduction of Frisian as an ordinary subject in basic education in secondary schools is not at present - in terms of teaching practice - entirely in keeping with the undertaking given by the Netherlands to provide for the teaching of Frisian as an integral part of the curriculum within secondary education in the province of Fryslân. This may possibly be due to the fact that the statutory provision is still of comparatively recent date and that the situation is presently transitional. The Education Inspectorate will carry out a survey in the 1997/98 school year to determine the position of Frisian in basic education at secondary schools in the province of Fryslân. On the basis of the findings, it will be possible to make recommendations concerning any measures that may be necessary to bring teaching practice into line with the intentions of the legislator and the undertakings given by the Netherlands under the European Charter.

4.40. The position of Frisian in the upper grades of secondary education - i.e. in the grades that follow the period of basic education - is regulated in the following

¹⁷ * Bangma, J. et al. (1995) *Flotwei Frysk*. Grins (Groningen): Wolters-Noordhoff and Ljouwert [Leeuwarden]: Afûk.
A booklet has been developed to assist pupils whose mother tongue is Dutch.
* Bangma, J. et al. (1995) *Flotwei Frysk: Katern Frusk ferstean en lêzen*. Grins (Groningen): Wolters-Noordhoff and Ljouwert [Leeuwarden]: Afûk.

way. Schools may provide for the teaching of Frisian as an (optional) subject, but are not obliged to do so. In addition, the Leaving Examinations Order for all four categories of secondary education (VWO, HAVO, MAVO and VBO) (Order of 10 July 1989, Bulletin of Acts and Orders 327) provides for the possibility of secondary school pupils choosing Frisian as a subject in their leaving examination. Needless to say, a pupil may choose Frisian as a subject in the leaving examination only if the school concerned - possibly in combination with other schools - offers Frisian as an optional subject.

4.41. Frisian is taught as an optional subject in the last grade at a limited number of secondary schools. 14 secondary school pupils chose Frisian as an optional subject in their leaving examination in the 1996/97 school year (13 pupils at the level of junior general secondary education (d) and 1 pupil at pre-university education level). Frisian may also be chosen a subject for the leaving examination in adult secondary education at three levels (junior general secondary education, senior general secondary education and pre-university education) (see also section 4.65 below).

4.42. In order to be able to increase the number of secondary schools offering a thorough course of tuition in Frisian leading to the leaving examination at the level of senior general secondary education (HAVO) and pre-university education (VWO), the province of Fryslân has provided an incentive subsidy of 180,000 guilders for experiments at four combined schools (i.e. schools providing secondary education at all four levels) from the 1996-97 school year onwards. Two of the schools are in Leeuwarden and the other two are in Dokkum and Sneek. One of the aims of the experiments is to produce findings that can be used in developing an uninterrupted examination syllabus for Frisian stretching from the first year of basic education through to the end of general secondary education.

4.43. As observed above, the Government presented two Bills in 1996/97 to amend the Secondary Education Act in so far as it relates to the second stage of secondary education (i.e. the upper grades of pre-university education (VWO) and senior general secondary education (HAVO)); cf. Parliamentary Documents II, 1996-1997, 25 168) and to the upper grades of junior general secondary education (MAVO) and pre-vocational education (VBO) (cf. Parliamentary Documents II, 1996-1997, 25 410). It should be noted that these Bills to amend the Secondary Education Act do not contain any new provisions that would provide a statutory guarantee of an uninterrupted examination syllabus for Frisian at the level of secondary education (VBO, MAVO, HAVO and VWO), as referred to in the previous section.

The Bill to introduce 'profiles' (subject combinations) in the second stage of secondary education (no. 25 168) became law in 1997. This Act has been published in the Bulletin of Acts and Orders (see section 4.30 above) and its provisions will be introduced in the upper grades of pre-university education (VWO) and senior general secondary education (HAVO) with effect from 1 August 1998. In consequence, the Secondary Education Act (Implementation)

Order and the VWO/HAVO/MAVO/VBO Leaving Examination Order will also be amended with effect from 1 August 1998 (cf. section 4.44).

The Bill to introduce syllabuses in the upper grades of junior general secondary education (MAVO) and pre-vocational education (VBO) (no. 25 410) was passed by the Upper House of Parliament on 19 May 1998. This Act has been published in the Bulletin of Acts and Orders (see section 4.30 above) and will also be introduced in the upper grades of MAVO and VBO with effect from 1 August 1998. The Secondary Education Act (Implementation) Order and the VWO/HAVO/MAVO/VBO Leaving Examination Order will also be amended (cf. section 4.45 below).

4.44. The Secondary Education Act (Implementation) Order, which is to be amended on 1 August 1998, refers, in section 26b (5)(a), to Frisian language and literature as a subject that can be chosen in the ‘profile’ section of the culture and society profile (subject combination) of pre-university education (VWO). Subsection 6 also provides that this subject may be part of the free part of each ‘profile’ (subject combination) in pre-university education (VWO).

Subsection 1 of section 26c of the Secondary Education Act (Implementation) Order lists Frisian language and literature, part 1, as a possible sub-subject for inclusion in the common part of senior general secondary education (HAVO). Subsection 5 lists Frisian language and literature, part 2, as a possible subject for inclusion in the culture and society ‘profile’ of senior general secondary education (HAVO) in addition to and in combination with Frisian language and literature, part 1, as well as the subject of Frisian language and literature, 1-2.

The parts mentioned above may also be part of the free section of each ‘profile’ (subject combination) in senior general secondary education (HAVO).

The VWO/HAVO/MAVO/VBO Leaving Examination Order, which is also to be amended on 1 August 1998, is linked to the profiles. Frisian will continue to be an optional examination subject.

4.45. Secondary schools in the province of Fryslân are not obliged by law to offer Frisian as a leaving examination subject. However, the schools concerned are able to offer Frisian as an ordinary or optional subject in the second stage of secondary education (upper grades of pre-university education (VWO) and senior general secondary education HAVO)), either on their own or in combination with other schools. Frisian may also be chosen an optional examination subject in junior general secondary education (MAVO) and pre-vocational education (VBO).

As noted previously (section 4.40), it goes without saying that a pupil may choose Frisian as a leaving examination subject only if the school concerned provides Frisian as an optional subject, possibly in cooperation with other schools. The position of Frisian within the future MAVO/VBO syllabuses (see section 4.43) must be regulated in the Secondary Education Act (Implementation) Order, which is to be amended. The VWO/HAVO/MAVO/VBO Leaving Examination Order too will be amended and linked to the new syllabuses.

4.46. There is no statutory impediment to the use of Frisian as a medium of instruction in secondary schools in the province of Fryslân either in basic education or thereafter (see section 4.32 above). The use of Frisian as a medium of instruction has not yet been the subject of systematic and periodic study. The last occasion on which a survey was made of the use of Frisian as a medium of instruction in secondary schools was in 1987.¹⁸ In that year 7% of all secondary schools in the province of Fryslân, including junior secondary vocational education (LBO) and senior secondary vocational education (MBO), reported that they sometimes used Frisian as a medium of instruction. 36% stated that they limited the use of Frisian to informal situations, depending on local and regional circumstances (Miedema, 1988, p. 105).

4.47. *In summary*, it should be noted that in the case of basic education at secondary schools the requisite statutory measures have been taken to provide for the teaching of Frisian as an integral part of the curriculum for all pupils. The implementation of these provisions is being studied by the Education Inspectorate.

There is no such statutorily guaranteed provision of teaching in Frisian in the upper grades of secondary schools (see also section 4.45 above). Indeed, the teaching of Frisian as a subject (whether optional or otherwise) enjoys no statutory protection whatever at the level of individual schools. A pupil at a school providing pre-vocational education (VBO), junior general secondary education (MAVO), senior general secondary education (HAVO) or pre-university education (VWO) may choose Frisian as a leaving examination subject only in so far as the competent authority of the school concerned provides this subject as an option (possibly in cooperation with the competent authority of one or more other schools).

It seems reasonable to suppose that the option in respect of which the Netherlands has given an undertaking, namely “to provide, within secondary education, for the teaching of” Frisian “as an integral part of the curriculum” does not mean that Frisian should be compulsory in all grades, for example in the upper grades too. However, Frisian may be chosen by a pupil in the upper grades - even instead of another language - in so far as the school concerned provides Frisian as an option. The position of Frisian within the future syllabuses of pre-vocational education (VBO) and junior general secondary education (MAVO) has yet to be determined.

Article 8, paragraph 1, sub-paragraph (e) (ii): university and higher education

4.48. Higher education in the Netherlands consists of higher vocational education (HBO), university education (WO) and distance learning at university level by means of the Open University (OU), and is regulated by law in the

¹⁸ Miedema, B. (1988), *By ús hâldt it Frysk by de namme fan de skoalle op*. In *De Pompeblêden*, 59 (6) 102-106.

Higher Education and Research Act (*Wet op het hoger onderwijs en wetenschappelijk onderzoek*) (WHW) of 8 October 1992 (Bulletin of Acts and Orders, 593).

4.49. Three colleges of higher vocational education are situated in the province of Fryslân, namely the *Christelijke Hogeschool Noord Nederland* (CHN), the *Noordelijke Hogeschool Leeuwarden* (NHL) and the *Van Hall Instituut* (the nutritional, environmental and agricultural college). All three are in Leeuwarden. In addition, the *Pedagogisch Technische Hogeschool Nederland*, a teacher training college, has a teaching base in Leeuwarden. Together the colleges of higher vocational education provide a wide range of courses, including teacher training, agriculture, hotel management, business management and management science.

4.50. There are no universities in Fryslân. However, the Universities of Groningen and Twente allow students the opportunity to attend a number of courses in Leeuwarden in their first year of study. The Open University also has a study centre in Leeuwarden.

4.51. When accepting the Charter the Netherlands gave an undertaking in relation to university and higher education to “provide facilities for the study of” Frisian as a “university and higher education subject” (Article 8, paragraph 1, sub-paragraph (e), option (ii)).

4.52. In Article 4.4.4 of the 1993 Administrative Agreement, the Minister of Education and Science gave a guarantee that a basic provision for the study of the Frisian language and literature would be maintained at university level. This basic provision, which consists of an ordinary Chair, is situated at the University of Groningen where there is a provision for the study of the Frisian language and literature as a main subject. The basic provision guaranteed by the Minister does not obviate the possibility of another provision elsewhere for its study as a main subject.

This situation results from the arrangements made in the Covenant for the Consolidation of Educational Provision in Minor Language Studies, which was concluded in the spring of 1992 between the Minister of Education and Science, a number of universities, the Royal Netherlands Academy of Arts and Sciences (KNAW) and the Netherlands Organisation for the Advancement of Scientific Research (NWO). The Covenant contains protective measures for educational provision in the so-called minor language studies,¹⁹ which include the study of Frisian language and literature. Since 1994 the Royal Netherlands Academy of Arts and Sciences has been responsible for carrying out an evaluation every five years - or sooner if it considers this necessary - of the arrangements made under

¹⁹ For this purpose, ‘minor language studies’ are taken to mean studies of languages and the accompanying literature that always have a small number of students.

the Covenant. In order to assess the quality of the teaching and research, the Academy calls on the services of leading, independent academics abroad.²⁰

4.53. The chairs of Frisian language and literature financed by the province of Fryslân have, at the request of the province, been transferred to the first degree course in Frisian language and literature at the University of Amsterdam with effect from the 1994/95 academic year. From this date onwards Frisian can also be chosen as a main subject at this university.

The province of Fryslân provides the funds for the chair through the *Fryske Akademy*. The chair is part of a first-degree course in Frisian, to which both the University of Amsterdam and the *Fryske Akademy* make a contribution in terms of finance and staff.

4.54. The University of Leiden and the *Fryske Akademy* fund a special chair of Frisian language and literature at the University of Leiden. Students can choose Frisian only as optional subject at this university. The subject is taught both at the University of Amsterdam and at the University of Leiden by staff of the *Fryske Akademy*.

4.55. Finally, it should be noted here that Dutch is in principle designated by law as the medium of instruction in higher education. A few exceptions are specified by law, for example a course relating to the language in which instruction is given (cf. section 7.2 of the Higher Education Act).

Institutions of higher education are obliged by law to draw up a code of conduct for languages, recording all the exceptions to this rule (e.g. as regards the use of Frisian or English) (section 7.2 (c) of the Higher Education Act).

4.56. Each of the colleges of higher vocational education (HBO) in the province of Fryslân has drawn up a code of conduct for languages as referred to in the previous section.²¹ The use of Frisian has been regulated in various ways.

²⁰ The first evaluation was carried out in 1994-1995. See: *Evaluatie van de Uitvoering van het Covenant ter Consolidatie van de Kleine Letteren: Rapport van de Evaluatiecommissie Kleine Letteren van de KNAW*, [Amsterdam]: 1995. This first evaluation was of a provisional nature and concentrated mainly on the implementation of the arrangements. As regards the courses in Frisian at the Universities of Groningen and Amsterdam, reference may be made to pp. 11-15 of this report.

The text of the Covenant is attached as appendix 1 to the evaluation report.

²¹ * The *Language Code of Conduct* of the Van Hall Instituut took effect on 1 September 1995 and is valid until 1 September 2000.
* On 22 January 1996 the executive board of the CHN adopted a *Code of Conduct for the use of languages other than Dutch in education*, which took effect on the same day. The code is extended on 1 September of each academic year, unless changes are made to it before 1 August of the preceding academic year.
* The *Language Code of Conduct* of the NHL was adopted on 3 April 1997 and took effect on 1 September 1997.

Generally speaking, the colleges of higher vocational education use Frisian as an informal medium of instruction (other than in the study of Frisian itself) only in the teacher training course for basic education. Dutch is generally used as the medium of instruction in the other courses. In addition, students at the colleges of higher vocational education in Leeuwarden are allowed to write their essays and dissertations in Frisian. Frisian is used as the medium of instruction in the study of Frisian at the universities.

4.57. *In summary*, the Netherlands has fulfilled its undertaking to provide facilities for the study of Frisian as a subject at university and in higher education, as accepted at the time of ratification of the Charter.

Article 8, paragraph 1, sub-paragraph (f) (i): adult and continuing education

4.58. Adult education has been governed by a new Act since January 1996. This is the Adult and Vocational Education Act (*Wet Educatie en Beroepsopvoeding*) (Bulletin of Acts and Orders 1995, 501). The aim of this Act is to merge all existing institutions for secondary vocational education and adult education in a network of some 50 regional training centres. This process has now been completed. There are two regional training centres in the province of Fryslân, namely the *Friese Poort* and *Friesland College*. The province also has an Agricultural Training Centre which provides courses in agriculture and the natural environment. The Agricultural Training Centres also come within the operation of the Adult and Vocational Education Act.

4.59. Before the introduction of the Adult and Vocational Education Act the field covered by adult and vocational education comprised:

- secondary vocational education (senior secondary vocational education (MBO) and the apprenticeship system);
- part-time non-formal education for the over-15s who have left school;
- continuing, general adult education (VAVO);
- adult basic education.

The Adult and Vocational Education Act now covers vocational education (section 7.2.2) and adult education (section 7.3.1).

4.60. Only adult education is relevant for the purposes of the present report since the Netherlands has not given notice that it wishes to ratify the Charter in respect of technical education and vocational education. The Dutch Government gave as its reasons for this decision that there is no statutory obligation in secondary vocational education to give instruction in Frisian as an integral part of the curriculum, as referred to in Article 8, paragraph 1, sub-paragraph (c) (iii), of the Charter. As vocational education does not have any subjects and examination subjects prescribed by law, no obligations of this kind can be imposed on institutions for vocational training. This is the reasoning given by the Government in Parliamentary Documents II, 1994-1995, 24 092, no. 5, pp. 6-7. However, the Minister of Education and Science and the Provincial Executive of

Fryslân did record in Article 4.3.8 of the Administrative Agreement that considered it important that schools for secondary vocational education should make use of the possibility of teaching Frisian in a manner relevant to the vocational course concerned (cf. also section 4.78).

4.61. As mentioned previously, the report in connection with the Charter will therefore be confined to adult education within the meaning of the Adult and Vocational Education Act and to the other Frisian language courses for adults that can be regarded as coming within the field of adult education and continuing education within the meaning of the Charter.

4.62. The Adult and Vocational Education Act recognises the following adult education courses (section 7.3.1):

- continuing, general adult education courses (VAVO);
- the ‘Dutch as a second language’ course, parts I and II;
- social skills courses;
- other courses aimed at promoting self-reliance.

The continuing, general adult education courses (VAVO) are intended to enable the participants to obtain the certificate in pre-university education (VWO), senior general secondary education (HAVO) or junior general secondary education (MAVO) or to obtain parts of these certificates. Attainment targets for the other adult education courses are regulated as follows:

- attainment targets for the ‘Dutch as a second language’ course, parts I and II, are set by ministerial regulation,²²
- attainment targets may be set by ministerial regulation for courses designed to teach social skills and other courses aimed at promoting self-reliance.²³

In the case of the other adult education courses, the regional training centre may itself fix attainment targets (section 7.3.3, subsection 3, Adult and Continuing Education Act; see also section 4.67).

4.63. When accepting the Charter the Netherlands agreed “to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in [Frisian]” (Article 8, paragraph 1, sub-paragraph (f), option (i)).

4.64. Section 7.1.1 of the Adult and Continuing Education Act provides that in principle education is given in Dutch and that the examinations are also set in Dutch. The Act lists a few exceptions such as language courses.

²² The attainment targets for the ‘Dutch as a second language’ course, parts I and II, are fixed in accordance with the Regulation of 9 December 1995 (*Uitleg*, Reg. 31a, BVE/BI-95032220) of the Minister of Education, Culture and Science.

²³ The attainment targets for these courses are fixed in accordance with the annex to the Attainment Targets (Social Skills and Self-Reliance) Courses regulation (Regulation of 20 December 1996, *Uitleg*, Reg., 1997, 1).

Institutions that come within the ambit of the Adult and Continuing Education Act are obliged to draw up a language code of conduct recording all exceptions to this rule (e.g. with regard to the use of Frisian or English) (section 7.1.1. (b) of the Adult and Continuing Education Act). The Adult and Continuing Education Act therefore contains a statutory provision under which individual regional training centres can give courses mainly or wholly in Frisian, as referred to in the present provision of the Charter.

Unlike the colleges of higher vocational education (HBO) in Leeuwarden (cf. section 4.56 above), the regional training centres in Fryslân have not yet considered the desirability of a language code of conduct for the use of Frisian in adult and continuing education.

4.65. Participants in the continuing, general adult education courses (VAVO) in the province of Fryslân can take courses at the following levels: pre-university education (VWO), senior general secondary education (HAVO) or junior general secondary education (MAVO).²⁴ At all these levels the pupils may choose Frisian as an optional examination subject. A total of 34 adults sat the examination in Frisian in the 1996/97 school year: 22 at MAVO-d level, 3 at MAVO-c level, 4 at HAVO level and 5 at VWO level (see also sections 4.40 and 4.41).

4.66. The inclusion of Frisian as part of adult basic education was placed on a statutory footing in 1986. This was connected with the objective of the provision of adult basic education. On the subject of this provision the Adult Basic Education Government Regulation (RPBE) stated as follows, “Adult basic education involves the provision of a coherent curriculum (literacy, numeracy, social skills) that is geared to specific experiences, problems, situations and social trends and the perception of them among adults” (Government Regulation 1986, 39). Referring to the bilingualism of the province of Fryslân, the Government regulations stated that “linguistic skills may be deemed to include Frisian in the province of Friesland” (Government Regulation 1986, 39). Adult basic education must be functional and provide a coherent curriculum. In the case of Frisian, this means that the language may be taught only within the context of ‘linguistic skills’ and not as a separate course. A course participant cannot therefore register for a ‘course in Frisian’, only for the subject of linguistic skills that forms part of a coherent provision of adult basic education. (...) An adult in Friesland must therefore decide for himself/herself whether he/she understands linguistic skills to mean Frisian and/or Dutch (...).” (Government Regulation 1986, 39, quoted in Noordermeer & Renkema, 1995, 49).²⁵

4.67. The Adult Basic Education Government Regulation (RPBE) was

²⁴ See VAVO Implementation Order (Order of 25 June 1993, Bulletin of Acts and Orders 365).

²⁵ Noordermeer, M. and Renkema, W.J. (1995), *Meartaligens yn de basisedukaasje yn Fryslân* (Multilingualism in adult basic education in Friesland). Ljouwert/Leeuwarden: *Fryske Akademy*.

subsumed within the Adult Education Framework Act (*Kaderwet Volwasseneneducatie*) in 1991. The reference to the bilingualism of Fryslân and the related provision for adult basic education - as described in detail in the previous section - was incorporated in its entirety in the Adult Education Framework Act 1991 (section 56 (1)). The 1991 Act has now been replaced by the Adult and Continuing Education Act. The latter Act and the regulations based upon it make no reference to Frisian and its incorporation into the adult basic education courses; nor do they contain specific provisions relating to Frisian courses within adult education in the province of Fryslân.

However, the Adult and Continuing Education Act does allow the regional training centres and the authorities at local level the scope to give priority to Frisian in the educational provision. This is because the Act stipulates that the educational provision is arranged by means of a contractual relationship between the regional training centres and the municipal authority. Municipalities receive a budget for this purpose from central government (the government contribution to adult basic education). Municipalities are free to use this budget for educational provision in accordance with their own priorities and to conclude contracts with the regional training centres for this purpose. Under the Adult and Continuing Education Act (section 7.3.3, subsection 3) regional training centres have the scope to set their own attainment targets for educational provision geared specifically to regional or local needs (see also section 4.62 below). The discretionary power of the municipality to set its own priorities in relation to educational provision and of the regional training centres to set their own attainment targets for educational provision can therefore also relate to Frisian.

4.68. Prior to the introduction of the Adult and Continuing Education Act Frisian could in practice be used as an element of the 'linguistic skills' section. A recent survey conducted in 1994/95 (Noordermeer & Renkema, 1995) revealed that most courses made little use of Frisian. The researchers made recommendations (pp. 90-92) intended for the teachers and institutions for adult basic education and for the province of Frsylân. The recommendations also took account of the position of autochthonous and allochthonous participants in the courses. Since 1 January 1996 the Newcomers Assimilation Regulation has been in force. This Government Regulation and the assimilation programmes based on it do not in fact take specific account of the bilingualism of the province of Fryslân.

4.69. In relation to adult and continuing education special mention should be made of the activities of the *Algemeene Fryske Underrjocht Kommisje (Afûk)*. This committee, which is not part of a regional training centre, organises courses in Frisian for adults (for both Frisian and non-Frisian speakers) and develops course material. Part of the course curriculum is geared to specific occupational groups, including public servants, lawyers and the staff of local broadcasting organisations (cf. sections 6.47, 7.8 and 9.21). Each year some 1,000 people take the language courses arranged by the committee.

4.70. The central government provides the province of Frsylân with an annual

grant for the Frisian courses arranged by *Afûk*. This grant is passed on by the province to the committee. In 1997 it amounted to 98,750 guilders. The courses are also subsidised by the majority of municipalities where a Frisian course is given.

4.71. *In summary*, it may be concluded that the Netherlands has taken various measures for the provision in the province of Frisylân of adult and continuing education courses which are taught mainly or wholly in Frisian (see in particular sections 4.69-4.70).

The Adult and Continuing Education Act, which regulates the provision of education at regional training centres, does not contain an specific provision governing Frisian in adult basic education. However, the Act does give the regional training centres and local authorities the opportunity to include Frisian in the educational provision. In this connection, the competent authority of the relevant regional training centre can set attainment targets pursuant to section 7.3.3, subsection 3, of the Adult and Continuing Education Act (cf. section 4.62 above). As far as is known, neither of the regional training centres in Frisylân had done this at the time this report was prepared.

Nor have the regional training centres made use of the statutory power to draw up a Frisian language code of conduct as provided for in section 7.1.1 of the Act. This is why the regional training institutes cannot at present provide courses that are taught mainly or wholly in Frisian as part of the various adult basic education courses (see section 4.62 above), unless the course relates to the teaching of Frisian.

Article 8, paragraph 1, sub-paragraph (g): teaching of Frisian history and culture

4.72. When accepting the Convention the Netherlands agreed to “make arrangements to ensure the teaching of the history and the culture which is reflected by [Frisian]”. It may be assumed that the arrangements envisaged by the drafters of the Charter were statutory arrangements.

4.73. The provision in the relevant part of the Charter was prompted by:

“a concern not to isolate the teaching of regional or minority languages from their cultural context. These languages are often related to a separate history and specific traditions. This history and regional or minority culture constitutes a component of Europe’s heritage. It is accordingly desirable that non-speakers of the languages concerned should have access to it too”. (cf. Explanatory Report to the European Charter, section 86).

4.74. In view of the statutory freedom to provide education, there is absolutely nothing to prevent the teaching of the history and culture of Frisian in schools in the province of Frisylân. Material has been produced by the Joint Centre for Educational Counselling (GCO) in the province of Frisylân (cf. section 4.21).

4.75. It should be noted, however, that no statutory arrangement has been made

by the Netherlands to ensure the teaching of the history and culture reflected by Frisian, as referred to in the Charter. It should also be pointed out that the *Cultuur en School* (Culture and School) policy papers of the Ministry of Education, Culture and Science (1996) does not deal explicitly with the specific cultural situation in the province of Fryslân.

Article 8, paragraph 1, sub-paragraph (h): basic and further training of teachers

4.76. In accepting the Charter the Netherlands agreed “to provide the basic and further training of the teachers required to implement those of paragraphs (a) to (g) accepted by [the Netherlands]”. This provision therefore relates to the following levels of education:

- pre-school education (part (a));
- primary education (part (b));
- secondary education (part (c));
- university and higher education (part (e));
- adult and continuing education (part (f));
- teaching of the history and culture reflected by Frisian (part (g)).

4.77. The training of teachers for the various educational levels forms part of higher education in the Netherlands, with the exception of the training of teachers for pre-school education.

4.78. The training and further training of teachers for pre-school education takes place at the new regional training centres, which come under the Adult and Continuing Education Act (WEB) 1996. As mentioned previously, there are two regional training centres in the province of Fryslân, namely the *Friese Poort* and *Friesland College*. The Dutch authorities have not yet made any statutory arrangements for the provision of Frisian in the basic and further training of teachers in pre-school education. Nor has this gap been filled in practice by the training colleges themselves in this case (cf. sections 4.60 and 4.64).

4.79. In the Netherlands primary school teachers receive their training at colleges of higher vocational education (HBO). There are two colleges in the province of Fryslân that provide teacher training courses, namely the *Christelijke Hogeschool Noord Nederland* (CHN), the *Noordelijke Hogeschool Leeuwarden* (NHL). As Frisian is a compulsory subject in the primary schools in the province of Fryslân, it is also part of the curriculum of primary education teacher training at both colleges.

Students on the NHL course are obliged to attend the Frisian lessons in the first two years of their 4-year training course. Thereafter Frisian is an optional subject. The students on the CHN course are not obliged to take Frisian. Frisian is therefore an optional subject throughout the CHN course.

Students at both these colleges who pass the examination in Frisian can have this noted on their degree certificate. This is their formal entitlement to

teach Frisian to primary school children. Most students at both colleges obtain this teaching qualification for Frisian.

Although Frisian is used informally during the teacher training course for primary school teachers, it is hardly ever used as a medium of instruction (with the exception of the lessons in Frisian).

4.80. A distinction is made in secondary education in the Netherlands between grade-1 and grade-2 teachers. Grade-1 teachers are qualified to teach all secondary school classes, whereas grade-2 teachers may teach only the first three years of senior general secondary education (HAVO) and pre-university education (VWO) and all classes of pre-vocational education (VBO), junior general secondary education (MAVO) and senior secondary vocational education (MBO).

To qualify as a grade-2 teacher a student must take the secondary education teacher training course at the colleges of higher vocational education. The course for grade-1 teachers is given at colleges of higher vocational education and universities. In the province of Fryslân the *Noordelijke Hogeschool Leeuwarden* (NHL) provides part-time teacher training courses as part of the ordinary provisions under the Higher Education and Research Act (WHW). These courses lead to a grade-1 or grade-2 teaching qualification for the subject of Frisian. This part-time course is presently given at the *Halbertsma Akademy*.²⁶ The number of students taking the course for grade-1 and grade-2 teaching qualification at the *Halbertsma Akademy* is limited. Finally, there is a grade-1 course for Frisian at the University of Groningen (RUG).

The report of the State Secretary on the implementation of the 1993 Administrative Agreement in 1994/1995 indicates that the number of students taking the teacher training course at the NHL (two grade-1 students and six grade-2 students at the end of 1994) and the teacher training course at the University of Groningen (no registrations for the 1994/95 academic year) is worryingly low.

4.81. The Minister of Education, Culture and Science funds two establishment posts for higher education in the province of Fryslân in order to improve the quality of the teaching of Frisian in primary education. An amount not exceeding 100,000 guilders per college of higher vocational education is made available on an annual basis for the training and further training of primary and secondary school teachers and student teachers. This contribution is not in principle tied to a given period, subject to the approval of the budget legislator (cf. Article 4.3.3 of the 1993 Administrative Agreement).

4.82. After consultation with the Provincial Executive of Fryslân, the State Secretary for Education, Culture and Science decided in 1996 that the contribution for improving the quality of Frisian teaching, as referred to in the

²⁶ The NHL and CHN concluded an agreement about Frisian in 1993. This agreement led to the establishment of the Halbertsma Akademy.

previous section, should be incorporated into a new special-purpose grant to the province of Fryslân. The new special-purpose grant is intended for activities connected with the teaching of Frisian in primary and secondary education (cf. sections 4.22 and 4.35).

The special-purpose grant has been allocated for a period of four years (1 August 1996 to 1 August 2000). This is evident from a letter from the State Secretary for Education, Culture and Science to the Speaker of the Lower House of Parliament dated 23 February 1996 (cf. Parliamentary Documents II, 1995-1996, 24 400 VII, no. 69). This has been approved by the budget legislator.

4.83. Whether the special-purpose grant referred to in the previous section should be continued after this 4-year period will be decided on the basis of interim and final reports by the province of Fryslân. There will be a progress report at the end of the second year of the project period (31 July 1998) and a report in January 2000 or thereabouts. Whether the special-purpose grant should be continued after 1 August 2000 will be decided partly on the basis of the latter report.

The amount of the contribution to which the colleges of higher vocational education are entitled in this 4-year period has been reduced from a maximum of 100,000 guilders to 75,000 guilders for each college on an annual basis.

4.84. There appears to be little need for the further training of primary school teachers or teachers in other areas of education. This is a finding of a report on the project entitled "Improving the quality of the teaching of Frisian: primary education teacher training and further training, 1991-1993". The same is true of the subject of Frisian. The *Noordelijke Hogeschool Leeuwarden* (NHL) has assigned the further training in Frisian to the *Educatief Centrum Noord en Oost* (ECNO). In recent years the Joint Centre for Educational Counselling (GCO) in the province of Fryslân (GCO fryslân) has provided part of the further training for primary school teachers in cooperation with the *Halbertsma Akademy*. It should be noted in this context that the primary schools have a budget for the further training of their teachers which can also be used for further training in Frisian.

4.85. The *Noordelijke Hogeschool Leeuwarden* (NHL) organised a once-only 2-year retraining course in Frisian for secondary school teachers in 1995-1997. This was necessary because the introduction of Frisian as a compulsory subject in basic education meant that there was extra demand for qualified Frisian teachers. In 1995 the Ministry of Education, Culture and Science provided retraining facilities for Frisian for 20 teachers in 1995. The participating schools gave a written undertaking that the retrained teachers would be used among other things to teach Frisian at secondary school. These courses, which were funded by the Ministry of Education, Culture and Science, were intended primarily for teachers faced with dismissal and redundancy owing to the decline in the numbers of pupils.

It should be noted for the record that secondary schools have a budget for the further training of their teachers which can also be used for further training in

Frisian.

4.86. Teachers of Frisian working at universities and other institutions of higher education are trained at universities where Frisian can be studied as a main subject (i.e. the University of Groningen and the University of Amsterdam).

4.87. As regards the training and retraining of teachers of Frisian working in continuing general adult education (VAVO), reference should be made to the section on the training of grade-1 and grade-2 secondary school teachers (see section 4.80 et seq.).

4.88. No provision with respect to bilingualism in the province of Fryslân is at present made in the training and further training of teachers in the other forms of adult education covered by the Adult and Vocational Education Act (see section 4.62).

4.89. The requirements for the training of the teachers who give the Frisian language courses organised by the *Algemiene Fryske Underrjocht Kommisje (Afûk)* are determined by the committee itself. The committee holds further training meetings for these teachers twice a year and has also organised special refresher courses for them since 1995.

4.90. The history and culture reflected by Frisian (sub-paragraph (g)) is incorporated into all the teacher training courses referred to above.

4.91. In summary, the only gap in a formal sense that exists in relation to basic and further training of teachers in pre-school education concerns the knowledge of Frisian in the training of playgroup and kindergarten staff. A formal gap also exists in the training of teachers working in the forms of adult education that are referred to in section 4.88 and come within the meaning of the Adult and Vocational Education Act.

Article 8, paragraph 1, sub-paragraph (i): supervisory body

4.92. When accepting the Charter the Netherlands undertook “to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of [Frisian], and for drawing up periodic reports of their findings, which will be made public”.

4.93. Section 88 of the Explanatory Report states that “The characteristics of such a supervisory institution are not specified in paragraph 1 (i). It could accordingly be an education authority body or an independent institution. This function could also be conferred on the body provided for in Article 7, paragraph 4, of the charter. In any case, the charter requires the findings of the monitoring to be made public.”

4.94. In the Netherlands it is the Education Inspectorate that serves as the

ordinary education monitoring authority. This is also true of the teaching of and in Frisian. In addition, the Inspectorate has produced several inspection reports of its findings on the position of Frisian in primary and special education.²⁷ The Education Inspectorate is presently preparing surveys of the position of Frisian in primary and secondary education. The secondary education survey will be carried out in the 1997/98 school year. The Inspectorate intends to carry out the primary education survey in the coming year.

4.95. The publication of periodic reports of findings as referred to in the Charter is not yet formally regulated. This function could be performed either by the Education Inspectorate, since this would be in keeping with its existing role as supervisory body, or by an independent institution such as the *Fryske Akademy*. Alternatively it could be performed by another body as referred to in Article 7, paragraph 4, of the Charter. Since the periodical reports under Article 15, paragraph 1, are made every three years, it would be worthwhile considering whether the periodic reports under Article 8, paragraph 1, sub-paragraph (i), could be coordinated with them, wherever possible.

Article 8, paragraph 2: educational facilities outside the province of Fryslân

4.96. When accepting the Charter the Netherlands undertook “with regard to education and in respect of territories other than those in which [Frisian is] traditionally used, (...) if the number of users of [Frisian] justifies it, to allow, encourage or provide teaching in or of [Frisian] at all the appropriate stages of education”.

4.97. Outside the province of Fryslân Frisian is traditionally spoken by part of the population in the area of the province of Groningen along the provincial boundary around Opende in the municipalities of Grootegast and Marum. Under section 9 (9) of the Primary Education Act, schools in that area can use Frisian as

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* De Jong, S. (1986), *Het onderwijs in het Fries nader bekeken: een kwantitatief inspectieonderzoek naar het onderwijs in het Fries op de kleuter- en lagere scholen in Friesland, gehouden in april 1985* (Quantitative inspection survey of Frisian in nursery and primary schools in Friesland, conducted in April 1985). [The Hague, Ministry of Education and Science].

* Education Inspectorate (1989), *Het onderwijs in het Fries op de basisschool: stand van zaken 1988-1989: een kwantitatief inspectieonderzoek naar het onderwijs in het Fries op de basisscholen in de provincie Friesland* (Position of Frisian in primary schools in the province of Friesland, 1988-1989). [The Hague, Ministry of Education and Science].

* Education Inspectorate (1995a), *Fries in heemkunde en sociale wereldoriëntatie* (Frisian in the study of local history and in environmental studies), De Meern: Education Inspectorate.

* Education Inspectorate (1995b), *(Vervolg)invoeringsproject Fries in het speciaal onderwijs* (Project (further project) to introduce Frisian in special education), Utrecht: Education Inspectorate.

a medium of instruction.

4.98. Limited use is presently made of the possibility of teaching Frisian in areas outside the province of Fryslân where Frisian is not traditionally used, as referred to in the relevant provision of the Charter.

4.99. Mention should first of all be made of the courses in Frisian at universities outside the province of Fryslân. Reference should be in this connection to the report on Article 8, paragraph 1, sub-paragraph (e) (see section 4.52 et seq. above).

4.100. Second, mention may be here of the primary education teacher training course of the *Christelijke Hogeschool Noord Nederland* (CHN), which is based in Groningen. At the request of students, Frisian has been given on this course in recent years when the number of students has justified this. Hitherto, these students have not been given the opportunity to complete their study of Frisian by obtaining a formal teaching qualification for this subject (cf. section 4.79).

4.101. Finally, Frisian courses for adults are organised outside the province of Fryslân under the supervision of the *Algemene Fryske Underrjocht Kommissje* (*Afûk*) when there are sufficient numbers of participants. This committee held 8 Frisian courses outside the province of Fryslân in 1996 (cf. section 4.69).

4.102. *In summary*, the Netherlands has accepted nine options from Article 8 of the Charter. To conclude this chapter on education, it should be noted that education is a complex and wide-ranging policy field and covers a number of different educational levels such as pre-school education, primary education, secondary education, etc. The report has therefore provided a concise summary wherever possible of the measures taken by the Netherlands to fulfil its obligations under the Charter in respect of each sub-paragraph (i.e. option). In view of the widely differing nature of this policy field, the reader is referred to these summaries:

- pre-school education (see sections 4.7 and 4.8);
- primary education (see sections 4.14, 4.25 and 4.26);
- secondary education (see sections 4.39 and 4.47);
- university and higher education (see section 4.57);
- adult and continuing education (see section 4.71);
- education in Frisian history and culture (see sections 4.74 and 4.75);
- basic and further training of teachers (see section 4.91);
- supervisory body (see section 4.95);
- educational facilities outside the province of Fryslân (see sections 4.98-4.101).

It should be added that in general the Dutch Government concentrates - in cooperation with the province of Fryslân - on taking and implementing statutory measures and on defining the parameters of policy (including financial

parameters). These matters are the subject of discussion in the context of the Administrative Agreement on the Frisian language and culture.

V. Article 9: Judicial authorities

5.1. Chapter 3 of the 1993 Administrative Agreement is devoted to the position of Frisian in legal matters. A Bill to amend the Act of 11 May 1956 containing rules governing the use of the Frisian language, particularly in legal matters (Bulletin of Acts and Orders 242) was announced in 1993. The Bill, which was intended to increase the scope for the use of Frisian, was passed by the Dutch Parliament and became law in 1995 (Act of 14 September 1995, Bulletin of Acts and Orders 440). It was provided by Royal Decree of 15 December 1995 (Bulletin of Acts and Orders 1996, 489) that the amended Act on the use of the Frisian language would take effect on 1 January 1997.

The object of the change in the law is to take the measures needed to ensure that the obligations entered into by the Dutch Government in the Charter with regard to the use of Frisian in legal matters are regulated by Act of Parliament. The text of the Act governing the use of Frisian in legal matters, as it has read since 1 January 1997, has been published in its entirety in the Bulletin of Acts and Orders (Bulletin of Acts and Orders 1996, 490).

Article 9, paragraph 1, sub-paragraph (a) (ii): in criminal proceedings (use in court)

5.2. When the Netherlands accepted the Charter it undertook “to guarantee the accused the right to use [Frisian]” in criminal proceedings held in the province of Friesland.

This has been regulated by law in sections 2 and 3 of the Act governing the use of Frisian in legal matters; not only the accused but also witnesses may use Frisian.

5.3. Section 95 of the Explanatory Report to the Charter notes that paragraph (a)(ii) “goes beyond the right of the accused, as laid down in Article 6, paragraph 3 (e), of the European Convention on Human Rights, to have the free assistance of an interpreter if he cannot understand or speak the language used in court”. The scope of this sub-paragraph of the Charter goes beyond this in that “(...) it is based on the consideration that even if speakers of a regional or minority language are able to speak the official language, when it comes to justifying themselves before a court of law, they may feel the need to express themselves in the language which is emotionally closest to them or in which they have greater fluency”.

The more far-reaching scope of this provision was also taken into account in the wording of section 3 of the Act governing the use of Frisian in legal matters. If an accused or a witness in criminal proceedings wishes to use the Frisian language, the judge presiding over the session determines “if he considers this desirable, that assistance will be provided by an interpreter”. It is evident from the Explanatory Memorandum to the Bill that the Government expects that a judge’s clerk will often be able to provide assistance if the judge has an insufficient command of Frisian. Where such a solution is not adequate, the

assistance of an interpreter can be obtained.²⁸

Article 9, paragraph 1, sub-paragraph (a) (iii): in criminal proceedings (requests and evidence, whether written or oral)

5.4. When the Netherlands accepted the Charter it undertook to guarantee in criminal proceedings “that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in [Frisian] (Article 9, paragraph 1, sub-paragraph (a), option (iii)).

This is regulated by law in sections 2 and 3 (oral proceedings) and section 7 (requests and case documents) of the Act governing the use of Frisian in legal matters.

5.5. Under section 7 (2) of the Act a judge may direct, either of his own volition or at the request of the parties involved in a case, that a Dutch translation be provided of case documents.²⁹

It follows that the Netherlands has complied with the requirement set out in section 96 of the Explanatory Report regarding States that do not choose the option whereby translations or the use of interpreters must be free of charge for the user of the regional language.³⁰ Such States must resolve this question themselves. The following solution has been chosen in the Netherlands.

Broadly speaking, the system of the Act governing the use of Frisian in legal matters “in so far as relevant here, means that the costs of *interpreters* in criminal and administrative cases are always borne by the State and that in civil proceedings they are borne either by one of the parties or by the State”. According to the Government, translation costs “are in principle borne by the party lodging the relevant document requiring translation, unless the judge considers that it would be more appropriate for these costs to be imputed to the other party or to the State”.

The Government in fact assumes that “in the great majority of cases there is no need to use interpreters or translations in view of the knowledge of Frisian on the part of those present and the scope for informal solutions”. The Dutch Government considers (cf. Parliamentary Documents 1994-1995, 24 092, no. 5, pp. 7-8) that the Act governing the use of Frisian in legal matters thus provides “in combination with other statutory provisions, a balanced system of

²⁸ Mention should also be made here of section 12 of the Act governing the use of Frisian in legal matters. Under this section a judge in criminal proceedings conducted outside the province of Fryslân may direct that assistance should be provided by an interpreter. Unlike the situation in Fryslân, however, an accused or witness wishing to use Frisian during a court session outside Fryslân must show that he is not able to express himself adequately in Dutch.

²⁹ It should be noted that summonses and indictments in criminal proceedings may not be drawn up in Frisian (section 7 (1) of the Act governing the use of Frisian in legal matters).

³⁰ This refers to the option set out in Article 9, paragraph 1, sub-paragraph (d), which the Netherlands has not accepted.

possibilities for the allocation of costs”.

As regards the costs of interpreters and translations in *civil* proceedings, reference should be made to section 5.7 below.

Article 9, paragraph 1, sub-paragraph (b) (iii): in civil proceedings (documents and evidence)

5.6. When the Netherlands accepted the Charter it undertook “to allow documents and evidence to be produced in [Frisian]” in civil proceedings held in the province of Fryslân, if necessary by the use of interpreters and translations (Article 9, paragraph 1, sub-paragraph (b), option (iii)).

This subject is regulated as regards case documents in sections 7 and 7a of the Act governing the use of Frisian in legal matters. In addition, parties to the proceedings, interested third parties and witnesses may use Frisian at a court hearing of this kind in accordance with the provisions of sections 2 and 4 of the Act.

5.7. As regards the general arrangements for the costs of interpreters and translations in connection with a court hearing held in the province of Fryslân, reference should be made to the comments in section 5.5.

In view of the special position of civil proceedings, it should be noted in this connection that the above-mentioned Act expressly provides that the fee payable to an interpreter who has acted in a civil case and the costs of translating case documents in civil proceedings may be borne by the State (sections 4a and 7). This arrangement is designed to leave open the possibility that fee payable to an interpreter who has acted in a civil case and the costs of translating case documents in civil proceedings may be charged to the State if the costs have to be incurred because the judge does not understand Frisian or cannot read it (cf. Parliamentary Documents II, 1994-95, 23 818, nos. 10 and 12, Parliamentary Proceedings II 1994/95, pp. 3574-3575).

Article 9, paragraph 1, sub-paragraph (c) (ii): in proceedings before the administrative courts (oral)

5.8. When the Netherlands accepted the Charter it undertook in proceedings before administrative courts in the province of Fryslân “to allow, whenever a litigant has to appear in person before a court, that he or she may use [Frisian] without thereby incurring additional expense” (Article 9, paragraph 1, sub-paragraph (c), option (ii)).

This has been regulated by law in sections 2 and 5 of the Act governing the use of Frisian in legal matters; not only the parties but also witnesses may use Frisian.

5.9. If a party or witness wishes to use Frisian in a case involving administrative matters, the judge presiding over the hearing may direct “if he considers this desirable, that assistance will be provided by an interpreter,

provided that this would not in his view unnecessarily delay the proceedings”. As regards the arrangement concerning the costs of an interpreter and translation costs in administrative law cases, reference should be made to the comments in section 5.5 above.

Article 9, paragraph 1, sub-paragraph (c) (iii): in proceedings before the administrative courts (documents and evidence)

5.10. When the Netherlands accepted the Charter it undertook in proceedings before administrative courts in the province of Fryslân “to allow documents and evidence to be produced in [Frisian], if necessary by the use of interpreters and translations (Article 9, paragraph 1, sub-paragraph (c), option (iii)).

This subject is regulated by law in section 7 of the Act governing the use of Frisian in legal matters.

5.11. A judgment of the Dutch Supreme Court of 17 April 1996, no. 29.896, showed that section 28 (old) of the State Taxes Act (AWR) does not bar the admissibility of an appeal lodged with a Court of Appeal by means of a notice of appeal drawn up in Frisian, provided that the use of Frisian does not hinder the processing of the appeal. Section 28 of the State Taxes Act (even in its revised wording) must be interpreted as allowing a notice of appeal to be drawn up in Frisian and as treating it as admissible if the provisions of section 7 of the Act governing the use of Frisian in legal matters are fulfilled.

5.12. As regards the arrangement for the costs of interpreters and translation costs in administrative law proceedings, reference should be made to the comments in section 5.5 above.

Article 9, paragraph 2, sub-paragraph (b): validity of legal documents

5.13. When accepting the Charter the Netherlands undertook “not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in [Frisian], 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”.

5.14. The Government Committee on the Frisian language which advised the Ministers of the Interior and Justice in 1992 on the use of Frisian in legal matters³¹ drew a distinction in relation to the use of Frisian in legal documents between instruments under hand, authentic instruments and authentic instruments intended for registration in public registers, i.e. the registers of births, deaths and

³¹ Frisian Language Committee (1992). *Fries in het rechtsverkeer: advies van de commissie Friese taal*. [The Hague/Leeuwarden]: Ministry of Justice, Ministry of the Interior and *Fryske Akademy*.

marriages, the land registers and the registers kept by the Chambers of Commerce.

5.15. As regards instruments under hand,³² the Committee made the following observation:

“Instruments under hand include contracts and unilateral expressions of will, such as receipts and acknowledgements of debt. These instruments may always be drawn up in Frisian if the parties to the contract or the party making the declaration so wish. If an instrument under hand that has been drawn up in Frisian is invoked in law and the judge is unable to read Frisian, a translation is required. In this respect a Frisian instrument under hand does not differ from instruments drawn up in languages other than Dutch.

(...)

Instruments under hand may also involve third parties, for example in the case of an assignment or subrogation. In such cases certified translations must be used. This does not give rise to any major problems in practice.”

5.16. The Act governing the use of Frisian in legal matters does not contain any specific provision about the validity of legal documents of this kind drawn up by the parties in Frisian or about the validity of such documents in relation to third parties who do not themselves use Frisian.

5.17. If it should come to a legal action, it may be inferred from Articles 183 and 184 of the Dutch Code of Civil Procedure that the validity of an instrument under hand drawn up by the parties in Frisian is not at issue (see also section 5.15).

5.18. Under Dutch law it is a requirement of a valid instrument that the parties intended the declaration(s) it contains to serve as evidence. Since it is not stipulated that any particular language must be used, Frisian instruments are fully valid if they fulfil the other requirements.

As regards instruments under hand, it should therefore be concluded that the Dutch legislation is in keeping with the present provision of the Charter.

5.19. As regards *authentic instruments* that are not intended for entry in the public registers, the Committee made the following observation:

“Notarial instruments that are not intended for entry in public registers may already be drawn up in Frisian if the parties so wish, provided that the notary can understand and write Frisian well and that the witnesses present when the instrument is executed understand Frisian. An authentic instrument drawn up in Frisian may serve as an exhibit in any legal proceedings, and may, if necessary, be accompanied by a translation.”

5.20. The Notaries Act (*Wet op het Notarisambt*) of 1842 (Bulletin of Acts and Orders 20), which has been frequently modified and altered, lays down (in section 29) that instruments may be executed in the language chosen by the

³² Contracts of employment are designated as instruments under hand. The Charter deals with the use of the regional language in contracts of employment in Article 13, paragraph 1, sub-paragraph (a) (see sections 9.2 and 9.4 below).

parties, provided that the notary understands that language. This may therefore include Frisian. However, there are various statutory exceptions to this rule concerning freedom of choice of language in notarial instruments (cf. section 5.28 below).

5.21. At present the Dutch Government is preparing a new statute regulating the profession and office of notary. Clause 38 of the Bill concerned (Parliamentary Documents II, 1993-1994, 23 706, no. 2, altered in Parliamentary Documents II, 1995-1996, 23 706, no. 7) includes a provision regarding the execution of notarial instruments in Frisian. The relevant clause expressly provides that notarial instruments may be executed in Frisian. Instruments may also be executed in more than one language, for example Frisian and Dutch or Frisian and English.

5.22. Notarial instruments may already be drawn up in Frisian provided that they need not be entered in public registers and that there is no statutory requirement that they be executed in Dutch.

If an instrument drawn up in Frisian should be the subject of legal proceedings before a court situated in Fryslân, there is a statutory arrangement covering cases in which a Dutch translation of the instrument is considered necessary (namely in sections 7 and 7a of the Act governing the use of Frisian in legal matters).

However, this Act does not include a provision for cases in which legal proceedings are brought before a court outside the province of Fryslân. It may be assumed that in such cases a Dutch translation of a Frisian instrument must be supplied.

5.23. As regards authentic instruments intended for entry in the public registers, the Frisian Language Committee draws a distinction, as mentioned above, between the registers of births, deaths and marriages, the land (cadaster) registers and the public registers kept by the Chambers of Commerce. As these registers are subject to different rules regarding the use of Frisian, it is preferable to discuss them separately.

5.24. As regards certificates of births, deaths and marriages, the Frisian Language Committee recommended that forms on which both Frisian and Dutch can be used should be introduced for such certificates. This has resulted in the introduction of a statutory arrangement in section 8 (3) of the Act governing the use of Frisian in legal matters. Subsection 3, which provides that certificates of births, deaths and marriages that are drawn up in the province of Fryslân may be in Frisian or Dutch, came into force on 1 January 1997.³³

³³ The certificates of births, deaths and marriages are dealt with in sections 6.23 and 6.24.

5.25. In other respects, the Frisian Language Committee considered that continuing attention should be paid to the question of authentic instruments drawn up in Frisian and their entry in public registers and the entry of documents drawn up in Frisian in the registers kept by organisations such as the Chambers of Commerce. The Committee refrained from making a recommendation on this subject, but proposed to the Government that the subject should be studied by a committee of experts. An explanation is given below of:

- the current policy on authentic instruments drawn up in Frisian and intended for entry in public registers other than the register of births, deaths and marriages;
- the view of the Government on the recommendation of the Frisian Language Committee concerning the establishment of a committee of experts.

5.26. As regards instruments drawn up in Frisian and intended for entry in public registers other than the register of births, deaths and marriages, it should be noted as follows. Generally speaking, the main rule under the law as it stands is that Frisian instruments that must be entered in a public register have to be accompanied by a literal Dutch translation. The translations are entered in the registers and the instrument drawn up in Frisian remains attached to the register. This provision applies not only to instruments but also to other documents that must by law be entered in public registers.

This basic rule concerning the entry in public registers of instruments and documents drawn up in Frisian applies unless provided otherwise by law (cf. sections 8 and 10 of the Act governing the use of Frisian in legal matters).

5.27. In keeping with the basic rule described in the previous section, section 41 of the Land Registry Act (*Kadasterwet*) (Bulletin of Acts and Orders 1989, 186) contains an arrangement regarding the public registers of the Land Registry (Cadastral). If a document drawn up in Frisian is presented to the Land Registry for entry, a literal Dutch translation of it must also be provided. The translation is entered in the register and the documents in Frisian are kept by the custodian of documents.

5.28. A different arrangement applies in the case of the *public registers kept at the Chambers of Commerce*. Examples of the documents entered in these registers are the instruments of incorporation of public and private companies. The same applies to the instruments establishing associations and foundations. It is laid down by statute that notarial instruments that should be entered in these registers³⁴ pursuant to a statutory regulation must always be executed in Dutch.

³⁴ The new Commercial Register Act 1996 (Bulletin of Acts and Orders 1996, 181), which came into force on 1 October 1997, affects the public registers kept by the Chambers of Commerce. As a result of the new Act, there is now only one commercial register for the whole of the Netherlands. The three separate registers for businesses, foundations and associations have been combined to form a single register. In future, all businesses, foundations and associations will therefore be

It follows that a notarial instrument drawn up in Frisian is not permitted by law in these cases and that such an instrument cannot therefore be presented for registration. This applies, for example, to instruments establishing an association and instruments whereby a foundation is registered as a legal entity (cf. Articles 2:27 and 2:286 of the Civil Code). From time to time foundations and associations that have a Frisian cultural background urge that this rule be changed in order to permit the registration of instruments drawn up in Frisian.

5.29. It should be noted in this connection that the Frisian Language Committee recommended in its report on the use of Frisian in legal matters (1992, p. 26)³⁵ that the question of whether it is desirable to consider changing the present statutory restrictions on the use of Frisian in authentic instruments intended for entry in public registers should be studied by a committee of experts.

5.30. The central government and the province of Fryslân agreed in Article 3.7 of the 1993 Administrative Agreement that the establishment of such a committee would be considered. The Government repeated this position in February 1995 in response to questions in parliament. On that occasion, the Government gave an assurance that any decision to establish a committee of experts would be taken in consultation with the Provincial Executive of Fryslân (cf. Parliamentary Documents II, 1994-1995, 23 818, no. 6, pp. 5-6). Whether and, if so, when such a committee will be established is a matter that is being considered in the context of the periodic consultations between the Government and the province of Fryslân on the implementation of the 1993 Administrative Agreement.³⁶

Section 3.5 of the report on the implementation of the Administrative Agreement on Frisian language and culture for 1994/1995 notes in this respect that the Minister of Justice, when addressing the Lower House of Parliament, raised the possibility of waiting for one year after the entry into force of the new Notaries Act and then deciding, in consultation with the Provincial Executive of Fryslân, whether it would be desirable to establish such a committee. As the Notaries Bill is still before Parliament, as mentioned in section 5.21, it cannot yet be said when the legislation will come into force. This is evident from the Administrative Agreement.

5.31. *In summary*, it may be concluded that the Dutch legislation is in keeping

entered in the new commercial register.

³⁵ *Fries in het rechtsverkeer: advies van de commissie Friese taal* [The Hague/Leeuwarden]: Ministry of Justice, Ministry of the Interior and *Fryske Akademy*.

³⁶ On the instructions of the Provincial Executive of Fryslân (8 December 1997, reference: MO/97-150121), the *Berie foar it Frysk* carried out a preliminary study of the scope for using Frisian in authentic instruments. The results of the study are contained in: Walsweer, H. (1998) *Fries in authentieke akten: vooronderzoek ten behoeve van de werkgroep authentieke akten* (Fries in authentic instruments: preliminary study for the benefit of the working party on authentic instruments). Ljouwert [Leeuwarden]: *Berie foar it Frysk* (Berie report; 13)

with the substance of the options from Article 9 of the Charter accepted by the Netherlands. It should also be noted that the validity of legal documents drawn up in Frisian is a subject of ongoing consultation between the central government and the province of Fryslân. The Government, in cooperation with the province of Fryslân, concentrates on implementation of the measures and defining the parameters (financial and otherwise) of the policy (see also sections 6.46, 6.47 and 8.39). These matters are all discussed during the consultations in the context of the Administrative Agreement on the Frisian language and culture.

VI. Administrative authorities and public services

6.1. Chapter 1 of the 1993 Administrative Agreement is devoted to the position of Frisian in administrative matters. The Agreement announced a Bill to amend the General Administrative Law Act (Awb) in order to include rules governing the use of language in administrative matters.³⁷ One of the aims of the Bill is to increase the scope for using the Frisian language. The Bill amending the law was passed by the Dutch Parliament on 2 May 1995 (Parliamentary Proceedings I, 1994/95, pp. 1159-1166). The text was published in the Bulletin of Acts and Orders (Act of 4 May 1995, Bulletin of Acts and Orders 302). A Royal Decree of 29 May 1995 (Bulletin of Acts and Orders 1995, 303) provided that the Act would come into force on 1 July 1995.

At an earlier stage, the Provinces Act (Act of 10 September 1992, Bulletin of Acts and Orders 550) and the Municipalities Act (Act of 14 February 1992, Bulletin of Acts and Orders 96) were amended in such a way that the lower-tier authorities in question were formally authorised from 1 January 1994 onwards to adopt the names of the province and municipalities in Frisian, either alone or in conjunction with the name in another language.³⁸ Even before this, the municipalities had had the power to adopt the names of villages, towns, streets, squares etc.

It follows that the statutory measures needed to ensure that the Dutch Government is able to fulfil its obligations under the Charter in respect of the use of Frisian in administrative matters have been taken.

6.2. It also important to note that the Franchise Order (*Kiesbesluit*) (Bulletin of Acts and Orders 1989, 471) contains a provision concerning the lists of candidates submitted with a view to the election of members of the Provincial Council of Fryslân or of members of councils of the municipalities in the province of Fryslân. In such situations, the notes on the list of candidates may be in Frisian (Art. H.2 Franchise Order).

Article 10, paragraph 1, sub-paragraph (a) (v): written use of Frisian by natural and legal persons in dealings with administrative authorities of the central government

6.3. When accepting the Charter the Netherlands undertook, in so far as this was reasonably possible, “to ensure that users of [Frisian] may validly submit a

³⁷ These rules have been included in Part 2.2 of the General Administrative Law Act under the title “Use of the language in administrative matters” (sections 2:6 - 2:12).

³⁸ An Act of 24 October 1984 (Bulletin of Acts and Orders 475) had already granted this power to municipalities that are created by a redrawing of municipal boundaries and obtain a name fixed in the Act redrawing the boundaries (see section 53 of the Local Government Boundary Reform (General Regulations) Act (*Wet algemene regelen gemeentelijke indeling*)).

document [in this language]” to the central government bodies established in the province of Fryslân (Article 10, paragraph 1, sub-paragraph (a), option (v)).

This is regulated by law in section 2:7 of the General Administrative Law Act (Bulletin of Acts and Orders 1995, 302), which provides as a basic rule that anyone may use Frisian in written (and oral) dealings with administrative authorities in so far as they are established in the province of Fryslân. However, this basic rule does not apply “if the administrative authority has requested that Dutch be used on the ground that use of Frisian would result in a disproportionate burden on the machinery of government” (section 2.7, subsection 2).

It should be noted that this right of anyone to use Frisian in written dealings with bodies and agencies of the central government does not apply in cases where such bodies and agencies are established outside the province of Fryslân, even if the province of Fryslân or parts of it come within their jurisdiction.

6.4. In a letter of 23 January 1996 (reference BW95/U1445) the State Secretary for the Interior wrote to various Ministries responsible for decentralised government agencies based in the province of Fryslân, drawing their attention to the new rules governing the use of Frisian in administrative matters, as laid down in the General Administrative Law Act. In this letter the State Secretary expressly pointed out that although subsection 2 of section 2:7 of the General Administrative Law Act admittedly allows an administrative authority to request a citizen who has used Frisian to use Dutch instead,

“it will be clear (...) that frequent use of this exception would undermine the right granted in subsection 1 in a manner contrary to the wishes of the legislator. It is therefore desirable that sufficient Frisian-speaking staff should be present - particularly in jobs involving contact with the public.”

The explanation given in this letter means that the Dutch Government is acting in accordance with the intention of the Charter as regards Article 10, as described in section 104 of the Explanatory Report on the Charter.

Article 10, paragraph 1, sub-paragraph (c): written use of Frisian by administrative authorities of the central government

6.5. When accepting the Charter the Netherlands undertook, in so far as this was reasonably possible, “to allow the administrative authorities to draft documents in [Frisian]”. This undertaking was given in respect of the administrative authorities of the central government based in the province of Fryslân.

This was regulated by law in sections 2:9, 2:10 and 2:11 General Administrative Law Act (Bulletin of Acts and Orders 1995, 302). This statutory provision applies to parts of the central government whose jurisdiction extends to the province of Fryslân or part of it.

6.6. Section 104 of the Explanatory Report notes that the undertakings of a member State in paragraphs 1 and 3 are qualified by the phrase “as far as this is

reasonably possible”. Nonetheless, this phrase does not alter the fact that “acceptance of a particular provision with respect to a given language necessarily entails a commitment to provide the resources and make the administrative arrangements required to render it effective”.

6.7. Section 2:9 of the General Administrative Law Act lays down as a basic rule that where the jurisdiction of a part of the central government extends to the province of Fryslân or part of it, the individual Minister responsible for that part is empowered to lay down rules governing the use of Frisian in written documents. The rules should be in accordance with the other provisions of Part 2.2 of the General Administrative Law Act (see also sections 6.8 and 6.9 below).

6.8. Section 2:10 of the General Administrative Law Act contains rules indicating when a written document in Frisian must also be drawn up in Dutch.

6.9. Section 2:11 of the General Administrative Law Act lays down rules governing the translation into Dutch of written documents drawn up in Frisian. These rules also apply to parts of the central government whose jurisdiction extends to the province of Fryslân or part of it. The principle underlying the translation arrangement in section 2:11 of the General Administrative Law Act is that only Dutch translations of government documents drawn up in Frisian are supplied on request (cf. Parliamentary Documents II, 1993-1994, 23 543, no. 3, pp. 14-15). The translation costs incurred as a result are borne in principle by the person requesting the translation, unless the written document is “an order or other act in connection with which the applicant is an interested party” (section 2:11 General Administrative Law Act).

It should also be noted that third parties do not incur translation costs for documents in Frisian which also have to be drawn up in Dutch by statutory regulation (section 2:10 General Administrative Law Act).

6.10. To implement section 2:9 of the General Administrative Law Act (cf. section 6.7 above) the central government has prepared a model ordinance governing the use of Frisian in administrative correspondence.³⁹ This model ordinance is intended to make it easier for decentralised government agencies to use Frisian in written correspondence.

6.11. The model ordinance referred to in the previous section was sent by the State Secretary for the Interior to the relevant Ministries as an enclosure with the letter of 23 January 1996 (reference: BW95/U1445). The letter informed the Ministries about the new statutory rules governing the position of Frisian in administrative matters (see also section 6.4 above).

As far as is known, the responsible Ministers have not yet exercised the

³⁹ As stated in section 2.1 of the report of the State Secretary for the Interior on the implementation of the Administrative Agreement on the Frisian language and culture for the period 1994/95.

statutory power under section 2:9 of the General Administrative Law Act to adopt a model ordinance governing the use of Frisian. Unless such a regulation on the choice of language has been adopted (cf. Parliamentary Documents II, 23 543, no. 5, p. 18), a decentralised government agency established in the province of Fryslân cannot use Frisian in outgoing correspondence.

6.12. It follows that the legislation is now in keeping with the undertaking given by the Netherlands. However, the question arises as to whether - in view among other things of section 104 of the Explanatory Report - all administrative arrangements required to render this provision of the Charter effective have been taken at the level of the responsible Ministries. An overview of the Ministries that have adopted an arrangement as referred to in section 2:9, subsection 2, of the General Administrative Law Act will be given in a subsequent report under the Charter.

Article 10, paragraph 2 (a)-(d): the use of Frisian in the administrative dealings of local and regional authorities

6.13. When accepting the Charter the Netherlands undertook in respect of the local and regional authorities in the province of Fryslân “to allow and/or encourage:

- (a) the use of [Frisian] within the framework of the regional or local authority;
- (b) the possibility for users of [Frisian] to submit oral or written applications in these languages;
- (c) the publication by regional authorities of their official documents also in [Frisian];
- (d) the publication by local authorities of their official documents also in [Frisian]”.

6.14. The use of Frisian within the framework of the regional or local authority is regulated in Part 2.2 of the General Administrative Law Act, namely in sections 2.7-2.11, and in section 8 (3) of the Act governing the use of Frisian in legal matters.

6.15. It has already been pointed out above (cf. section 6.6) that the undertakings given by a member State in paragraphs 1 and 3 of Article 10 entail “a commitment to provide the resources and make the administrative arrangements required to render it effective”.

In order to do justice to the autonomy of the regional and local authorities, a different wording was chosen for paragraph 2 of Article 10. A member State accepting a specific provision in this case is not itself obliged “to provide the resources and make the administrative arrangements required to render it effective”.

However, a member State does give an undertaking, subject to allowance for the principle of local and regional autonomy, “to allow and/or encourage” the application by the regional and local authorities in their own policy of the

principles accepted by the central government. The regional and local authorities have a measure of discretion in this respect (cf. section 105 of the Explanatory Report).

6.16. The possibility that users of Frisian may submit oral or written applications in Frisian to the regional and local authorities in the province of Fryslân is regulated in section 2:7 of the General Administrative Law Act, which lays down as a basic rule that anyone may use Frisian in oral and written dealings with administrative authorities in so far as they are established in the province of Fryslân. This basic rule does not apply “if the administrative authority has requested that Dutch be used on the ground that use of Frisian would result in a disproportionate burden on the machinery of government” (section 2.7, subsection 2). As regards the application of this provision, reference should be made to section 6.4 above.

6.17. The publication by regional and local authorities of their official documents in Frisian is also regulated in Part 2.2 of the General Administrative Law Act. Section 2:9 of the Act provides that administrative bodies that are established in the province of Fryslân and are part of regional and local authorities (i.e. the province, municipalities, water control corporations and joint scheme bodies) may adopt rules about the use of Frisian in written documents. The rules should be in accordance with the other provisions of Part 2.2 of the General Administrative Law Act (cf. also sections 6.18 and 6.19 below).

6.18. Section 2:10 of the General Administrative Law Act contains rules specifying in which cases a written document in Frisian must also be drawn up in Dutch. The translation costs incurred as a result are borne by the administrative authority concerned.

6.19. Section 2:11 of the General Administrative Law Act contains rules about the translation into Dutch of written documents of the administrative authorities established in the province of Fryslân that have been drawn up in Frisian. The translation costs incurred as a result are borne in principle by the person requesting the translation, unless the written document is “an order or other act in connection with which the applicant is an interested party” (section 2:11 General Administrative Law Act).⁴⁰

6.20. In 1985, prior to the introduction of the General Administrative Law Act, the province of Fryslân adopted a “Provincial ordinance governing the written use of the Dutch and Frisian languages by administrative authorities of the province of Friesland” (*Provinciaal Blad van Friesland* 1985, 82). The ordinance was last amended by order of the Provincial Council of 6 November 1990

⁴⁰ As regards the translation costs of certain categories of minutes of representative bodies, reference should be made to section 6.29. On the subject of other translation costs, see also section 6.18.

(*Provinciaal Blad* 1990, 103).

It should be noted that since Part 2.2 of the General Administrative Law Act (cf. section 6.1 above) came into force Article 3 of the provincial ordinance referred to above automatically ceased to have effect on 1 July 1995, pursuant to section 119 of the Provinces Act.

6.21. Furthermore, the Provincial Executive of Fryslân has drawn up a model ordinance regulating the use of Frisian in administrative correspondence for the benefit of the lower-tier authorities in the province (in particular, the municipalities and water control corporations). This model ordinance is intended to make it easier for the lower-tier administrative authorities in the province of Fryslân to use Frisian in written correspondence.

6.22. The model ordinance referred to in the previous section was sent by the Provincial Executive of Fryslân to lower-tier authorities concerned as an enclosure with its letter of 20 March 1997 (reference: MO/97-31447). The letter informed these authorities about the new statutory rules governing the position of Frisian in administrative matters.

Without such an ordinance governing the choice of language, a lower-tier authority in the province of Fryslân may not use Frisian in letters and documents emanating from it. It should, incidentally, be noted that the lower-tier authorities in Fryslân are not obliged under Part 2.2 of the General Administrative Law Act to adopt a policy on the use of Frisian in administrative matters (cf. Parliamentary Documents II, 23 543, no. 5, p. 18).

A draft ordinance on the use of Frisian in correspondence is under consideration by a number of municipal councils. A subsequent report under the Charter will include a list of the lower-tier authorities in the province of Fryslân that have adopted an ordinance as referred to in section 2:9, subsection 1, of the General Administrative Law Act.

6.23. It has also been provided by law that certificates of births, deaths and marriages in the province of Fryslân are drawn up in both Frisian and Dutch (section 8 (3) of the Act governing the use of Frisian in legal matters). To implement this provision, the 1994 Civil Registry Decree (*Besluit burgerlijke stand 1994*) was amended in 1996 (Royal Decree of 27 August 1996, Bulletin of Acts and Orders 445). The amendment came into force on 1 January 1997. Since this date municipalities in the province of Fryslân have issued bilingual certificates of births, deaths and marriages (i.e. in Frisian and Dutch).

The provision naturally applies only to certificates drawn up after the entry into force of the Act and to alterations made to such certificates.

6.24. On the instructions of the Ministry of Justice, the language unit of the *Fryske Akademy* translated into Frisian in 1996 all the instruments in the models book of the Netherlands Association for Civil Registry Matters. All municipalities in the province of Fryslân now have a software package containing bilingual instruments and certificates, thereby enabling them to implement the Act.

6.25. Two reports have recently been published on surveys of factors that influence the language policy of the province of Fryslân and a number of municipalities in this province.⁴¹ The findings of the two reports will enable the lower-tier authorities in the province of Fryslân to pursue a policy that makes more effective use of the statutory scope for using Frisian in administrative matters. The Provincial Executive of Fryslân announced in 1997 that it wished to encourage still further the use of Frisian in administrative matters in the years ahead.

6.26. In view of the above, it may be concluded that the Netherlands has now taken the requisite statutory measures to implement Article 10, paragraph 2, sub-paragraphs (a)-(m), of the Charter, allowing for the principle of regional and local autonomy.

Article 10, paragraph 2, sub-paragraphs (e) and (f): use of Frisian in debates of regional and local authorities

6.27. When accepting the Charter the Netherlands undertook in respect of the local and regional authorities in the province of Fryslân “to allow and/or encourage:

- (e) the use by regional authorities of [Frisian] in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
- (f) the use by the local authorities of [Frisian] in debates in their assemblies, without excluding, however, the use of the official language(s) of the State”.

6.28. The use of Frisian in debates of representative bodies established in the province of Fryslân is regulated in section 2:12 of the General Administrative Law Act. It is also provided that what is said in Frisian is minuted in Frisian.

6.29. Subject to a number of statutory exceptions, the costs of translating the minutes of a debate of this kind may be reimbursed.

Translations of Frisian minutes into Dutch are supplied free of charge if the subject matter of the minutes directly involves the interests of the applicant or relates to the adoption of generally binding regulations or policy rules (section

⁴¹ * Gorter, D. and Jonkman, R.J. (1994) *Taal op it wurk fan provinsjale amtners: ûndersyk nei taalbehearsking, taalgedrach, meidwaan oan kursussen en taalâlding yn de provinsjale organisaasje* (Language in the work of provincial officials: study of command of language, language behaviour, participation in courses and language attitudes in the provincial organisation). Ljouwert: Fryske Akademy.
* Faber, H.C. (1995) *Sizzen en dwaan: onderzoek naar factoren die van invloed zijn op het taalbeleid bij acht gemeenten in Fryslân* (Survey of factors affecting the language policy of eight municipalities in Friesland). Ljouwert: *Berie foar it Frysk* (Berie report; 8).

2:11, subsection 3 (a)).

6.30. The Netherlands has thus taken the requisite statutory measures to ensure that the legislation is in keeping with the undertakings given here.

Article 10, paragraph 2, sub-paragraph (g): adoption of place-names

6.31. When accepting the Charter the Netherlands undertook in respect of the local and regional authorities in the province of Fryslân “to allow and/or encourage:

(g) the use of adoption, if necessary, in conjunction with the name in the official language(s), of traditional and correct forms of place-names in [Frisian]”.

6.32. As regards regional authorities section 156 of the Provinces Act provides that the province is authorised to alter its name. By virtue of this power, which took effect on 1 January 1994, the province of Friesland may decide to adopt the Frisian name (Fryslân) as the official name.

The Provincial Executive of Friesland exercised this statutory power on 13 December 1995 by deciding to alter the official name of the province from “Friesland” to “Fryslân” with effect from 1 January 1997 (*Provinciaal Blad of Friesland* 1996, 7).

6.33. As regards local authorities section 158 of the Municipalities Act provides that a municipality is authorised to alter its name. By virtue of this power, which took effect on 1 January 1994, municipalities in the province of Fryslân may decide to adopt the Frisian name of the municipality as the official name.⁴²

Eight municipalities in the province of Fryslân have now officially adopted the Frisian name, namely Boarnsterhim, Gaasterlân-Sleat, Littenseradiel, Nijefurd, Skarsterlân, Tytsjerksteradiel, Wûnseradiel and Wymbritseradiel. The Dutch name is the official version in the case of the other 23 municipalities in the province of Fryslân. It should, however, be noted in this connection that in a few cases the name of the municipality is the same in both languages. Accordingly, it could just as well be argued that in such cases the Frisian name is the official version. In 1996 the council of the municipality of Ferwerderadeel passed a resolution altering the official name of the municipality to Ferwerderadiel with effect from 1 January 1999.

6.34. Municipalities have for some time now been empowered to adopt the Frisian version of names of places situated within the municipal boundaries (either as the sole version or alongside the Dutch name). This power also extends

⁴² This possibility of changing the name has existed since 1984 in the case of new municipalities in Fryslân created as a result of the redrawing of municipal boundaries. See also the second footnote to section 6.1 above.

to the names of streets and squares etc. (cf. government policy position of 9 December 1953, II at (f), as included in Parliamentary Documents II, 1953-1954, 3321, annexe 1).

6.35. Four municipalities have exercised the power officially to adopt the Frisian names of all villages in their municipality, namely Boarnsterhim, Ferwerderadeel, Littenseradiel and Tytsjerksteradiel. The resolution changing the name has now come into force in three of the municipalities concerned. The resolution will come into force in Ferwerderadeel on 1 January 1999.

The official place-names in the other municipalities are generally in Dutch, with the exception of a number of villages whose Frisian names have been officially adopted by municipality concerned, namely Nij Beets (1950), Koufurderrige (around 1950), De Tike (1952), De Knipe (1970), Boksum (1972), It Heidenskip (1979) and Jonkerslân (1988). It should be noted that a good many of the place-names in Fryslân are the same in both languages.

6.36. Bilingual place-name boards have been erected at the boundaries of the built-up area in a substantial proportion of the municipalities in the province of Fryslân. However, the Dutch name is used as the official name for administrative purposes unless the municipality has expressly provided otherwise. The province is entitled to adopt or alter its own name. The central government and administrative authorities of the central government use the names that have been officially adopted.

In cases in which a lower-tier authority resolves to adopt two names as the official designation - for example in Frisian and Dutch - the central government authorities will use only the Dutch name.

6.38. In accordance with government policy, all central government agencies and other administrative authorities of the central government use their official names in their documents and addresses. This policy is based on the Personal Particulars (Standard Spelling) Order of 1 September 1992 (Government Gazette 176). This Order obliges the ministries and government agencies to adjust the address in accordance with the prescribed NEN standards. These include the official names of municipalities and places of residence. If these names have been officially adopted in Frisian, the Frisian name is used. The adjustments had to be made before 1 January 1997. However, various government agencies, namely the Tax and Customs Administration, the Donor Registration Agency of the Ministry of Health, Welfare and Sport and the Central Judicial Collection Agency, have still not applied this guideline.

6.39. It should be noted in this connection that the government agencies and other government bodies rely for their address particulars on the information contained in the Municipal Database (Personal Records) (GBA), as provided for in section 3 of the Municipal Database (Personal Records) Act (Bulletin of Acts and Orders 1994, 494).

The Municipal Database (Personal Records) Act contains a record of the municipality in which people are registered as residents and uses the official name of the municipality for this purpose. In addition, the address data category

includes the street name, the house number and the postcode, but not the place-name (cf. Annexe I to the Municipal Database (Personal Records) Act, point 6). Municipalities can in fact indicate the part of the municipality in which a person resides. This will be done in particular in a municipality where the same street name occurs twice. The part of the municipality may correspond to the place of residence, but this need not be the case.

The absence of place-name particulars in the Municipal Database (Personal Records) or their optional inclusion in the database is not in itself an adequate explanation of why not all government agencies had succeeded in bringing their address particulars into line with the official Frisian names of places in Fryslân by 1 January 1997. After all, users of the Municipal Database other than the government agencies mentioned in the previous section and also users of private place-name databases such as Postbank have managed to use the official place-names correctly (see also section 9.12).

6.40. The power to name lakes, canals and other waterways, and areas of land was not dealt with in the government policy position adopted in 1953. It would seem fair to assume that the relevant power is vested in the municipalities and the province as autonomous bodies, with the possible exception of State waterways (cf. Ministry of the Interior policy paper of 8 February 1995, reference BW95/N274).

The lower-tier authorities may decide to adopt the official names either in Frisian or Dutch or in both languages. The central government follows the policy described above in section 6.37.

6.41. It may therefore be concluded that the legislation is in keeping with the undertaking given in this respect by the Netherlands. The implementation of the legislation is one of the subjects of consultation in connection with the Administrative Agreement concerning the Frisian language and culture.

Article 10, paragraph four, sub-paragraphs (a) and (c): additional measures

6.42. In order to apply the provisions of Article 10, paragraphs 1, 2 and 3, accepted by the Netherlands, the Netherlands undertook, when accepting the Charter, “to take (...) the following measures:

- (a) translation or interpretation as may be required;
- (c) compliance as far as possible with requests from public service employees having a knowledge of [Frisian] to be appointed in the territory in which that language is used”.

6.43. The report on the provisions of Article 10, paragraphs 1 and 2, accepted by the Netherlands referred to a number of measures taken in respect of translations as referred to in Article 10, paragraph 4, sub-paragraph (a). For a discussion of these additional measures, reference should be made to sections 6.9, 6.19, 6.29 and 6.37.

6.44. In connection with the obligation under Article 15 of the Charter, the

question arises of how periodical reports can best be made in respect of measures such as those referred to in Article 10, paragraph 4, sub-paragraph (c), of the Charter. No information is available about the number of requests from public service employees familiar with Frisian and wishing to be appointed to a post in the province of Fryslân or about the extent to which such applications are granted or refused. This is because there is no central place of registration for applications from public service employees as referred to in Article 10, paragraph 4, sub-paragraph (c) or for the response to such applications.

6.45. It should also be noted that the Netherlands has decided not to accept Article 10, paragraph 4, sub-paragraph (b), which concerns the recruitment and, where necessary, training of the officials and other public service officials required. In the correspondence on this subject with the Lower House of Parliament (Parliamentary Proceedings II, 1994-1995, 24 092, no. 5, p. 8) the Government explained that it was not really possible to agree to such a provision owing to its obligatory nature. The Government observed in this connection that “it was not possible to *guarantee* (italics added) a recruitment and training policy of this kind for small public agencies (e.g. the officials of smaller municipalities and small decentralised government agencies)”. In addition, the Dutch Government felt that in the administrative situation in the Netherlands it was “not really conceivable that such obligations could be imposed by the central government on non-central authorities”. However, the Government stated that it was willing “to take a vigorous approach in promoting implementation of the measures referred to in this provision”.

6.46. In view of the undertaking given by the Dutch Government to Parliament to the effect that it was prepared to take a vigorous approach in promoting implementation of the measures referred to in Article 10, paragraph 4, sub-paragraph (b), of the Charter, it is appropriate in the context of the periodical report under the Charter to report on the measures taken by the Dutch Government in this respect.

It is important to note in this connection that an undertaking was given in the 1993 Administrative Agreement (Art. 3.3) that the Minister of Justice would do whatever possible to ensure that judges, judges’ clerks and police personnel in the province of Fryslân can take courses in Frisian. In 1994 the Minister concerned made funds available for the provision of Frisian courses for judges, judges’ clerks and other personnel working for the justice authorities in the province of Fryslân. The Minister of Justice is also making funds available for the compilation of a Dutch-Frisian legal dictionary.

6.47. Two courses for judges and employees of the justice authorities were given in 1995: one was for non-Frisian speakers and the other for people wishing to learn to write Frisian (at level A). Four courses were held in 1996: two courses were for non-Frisian speakers (one for understanding and reading Frisian and the other for speaking it), one course was for people wishing to learn to write Frisian (at level A) and the last was a course in writing Frisian specifically for administrative and legal purposes (at level B). The knowledge gained as a result

of the last course will be used among other things in the compilation of the Dutch-Frisian legal dictionary. All these courses were organised by *Afûk*.

The compilation of the Frisian legal dictionary has been entrusted to the *Fryske Akademy*. The project was started in 1996. The dictionary is expected to be completed in 2000 (see also section 8.39).

6.48. Finally, the central government and the province of Fryslân have agreed in Article 1.4 of the 1993 Administrative Agreement to evaluate the operation of Part 2.2 of the General Administrative Law Act in annual consultations between the Ministry of the Interior and the Provincial Executive of Fryslân. If either party considers that the objectives have not been achieved - or not adequately achieved - or that the Act is not operating as intended, the parties will hold consultations to find a way of remedying this situation. This agreement is also important in connection with the additional measures accepted by the Netherlands in Article 10, paragraph 4, of the Charter.

Article 10, paragraph 5: family names

6.49. When accepting the Charter the Netherlands undertook “to allow the use or adoption of family names in [Frisian], at the request of those concerned.”

6.50. In the Explanatory Memorandum to the Bill approving the Charter (cf. Parliamentary Documents II, 1994/1995, 24 092, no. 3, p. 4), the Government explained that “a few of the provisions of the Charter are taken completely for granted in the Netherlands. An example is people’s right, as set out in Article 10, paragraph 5, to use or adopt a family name in the regional or minority language.”

6.51. It should be noted in this connection that people in the Netherlands generally use the name they have officially. The official name is often shown in the registers of births, deaths and marriages. It is from the certificates included in these registers that the Municipal Database (Personal Records) (GBA) obtains the data on the family name and, on request, any use of the name of the spouse, former spouse, registered partner or former registered partner.⁴³ No request may be made to be registered in the Municipal Database under a name other than one’s official name.

6.52. People are, in fact, free to use a name other than the official name. It goes without saying that in doing so they may not act unlawfully (for example by using a name in order to create the impression that they belong to a given family).

In principle, an inhabitant of Fryslân is therefore entitled to use a Frisian family name. However, the official correspondence with the person concerned will generally use the official name or, on request, the name of the spouse, former

⁴³ Cf. section 34 of the Municipal Database (Personal Records) Act (Bulletin of Acts and Orders 1994, 494) and Annexe I, at 10, to this Act, as it has read since 17 December 1997 (Bulletin of Acts and Orders 1997, 660).

spouse, registered partner or former registered partner, since the data in the Municipal Database are used for this purpose. A request to be included under a Frisian name in the Municipal Database and to have correspondence addressed in this name is not admissible.

6.53. Under Article 7, paragraph 5, Book 1 of the Civil Code, the family name of a person may be changed at his/her request or at the request of his/her statutory representative. An application to this effect must be submitted to the Minister of Justice.

The rules for official changing a family name are included in the Change of Family Name Order (Bulletin of Acts and Orders 1997, 463), which came into force on 1 January 1998 and replaces the former 1989 guidelines on this subject (Government Gazette 1989, 1). These rules have been laid down for the purpose of legal certainty. In this way it is possible to prevent unduly frequent changes of name.

6.54. Under the 1997 Change of Family Name Order, an application to change a family name from Dutch to Frisian or to adjust or alter the Dutch spelling of a Frisian family name (for example 'Sijbesma' and 'Tjepkema') into a Friesian spelling of the same name ('Sybesma' and 'Tsjepkema') will not be granted automatically. Nor is such a change of name from Dutch to Frisian considered desirable by the Dutch Government, since the change affects future generations too.

6.55. *In summary*, it may be concluded that the Dutch legislation is in keeping with the options accepted by the Netherlands under Article 10 of the Charter, with the possible exception of the 1997 Change of Family Name Order and the Municipal Database (Personal Records) Act.

As regards the other provisions of Article 10 which have been accepted by the Netherlands, the Dutch Government, in cooperation with the province of Fryslân, concentrates on implementation of the measures and defining the parameters (financial and otherwise) of the policy. This includes focusing on the ordinances yet to be adopted by the Ministries governing the use of Frisian by government agencies established in the province of Fryslân. These matters are all discussed during the consultations in the context of the Administrative Agreement on the Frisian language and culture.

VII. Article 11: Media

7.1. Article 5.4 of the 1993 Administrative Agreement was devoted to the position of Frisian in the media. It explains the policy of the central government on national television broadcasts in Frisian. The policy on regional radio and television in the province of Fryslân (as far as the public-mission broadcasting channels are concerned) is not part of the Administrative Agreement. The statutory basis for media policy is the Media Act of 21 April 1987 (Bulletin of Acts and Orders 149, as last published in its entirety in Bulletin of Acts and Orders 1994, 386 and subsequently amended) and in the Media Order of 19 November 1987 (Bulletin of Acts and Orders 573 (as last published in its entirety in Bulletin of Acts and Orders 1994, 386 and subsequently amended).

Article 11, paragraph 1, part (a), option (iii): broadcasting (radio and television)

7.2. When accepting the Charter the Netherlands undertook, for the users of Frisian in the province of Fryslân “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: (iii) to make adequate provision so that broadcasters offer programmes in [Frisian]”.

7.3. A new section - section 54a - was included in the Media Act by virtue of the Act of 18 May 1995 (Bulletin of Acts and Orders 320) amending the Media Act. The new section 54a provides that institutions that have obtained broadcasting time must devote at least forty per cent of their television broadcasting time to originally Dutch-language or Frisian-language programme components. This amendment came into force on 1 October 1995 (Bulletin of Acts and Orders 321). The provision applies to all public-mission television channels both at national and at regional and local level. For a definition of the expression “originally Dutch-language or Frisian-language programme components” and its significance in practice in the Frisian situation, see section 7.12.

7.4. The Netherlands Broadcasting Foundation (NOS) arranges broadcasts in Frisian on one of the national television channels under section 16 of the Media Act. The broadcasts take up 31 hours a year, which are allocated partly for a general public and partly for school television broadcasts. With the exception of the summer months, a half-hour Frisian-language television programme is broadcast each week (on Sundays) on a national channel. These programmes are produced by *Omrop Fryslân*. Since these Frisian-language programmes are broadcast nationwide and are thus not intended exclusively for the inhabitants of Fryslân, they are subtitled in Dutch. These broadcasts, which are possible because they come within the terms of reference and budget of the Netherlands Broadcasting Foundation, are assessed on the basis of the principles of public-

mission broadcasting (cf. the 1993 Administrative Agreement, Art. 5.4.1). As mentioned above, *Omrop Fryslân* also produces school television broadcasts in Frisian. These too are broadcast on a national television channel.

7.5. *Omrop Fryslân* produces radio and television programmes in Frisian for regional public-mission broadcasts in the province of Fryslân. These broadcasts are made possible by the central government policy on regional broadcasting. According to the Government, this consistent policy means that a substantial number of radio and television broadcasts are made in Frisian (Parliamentary Documents II, 1994-1995, 24 092, no. 5, pp. 8-9). The policy of *Omrop Fryslân* is to ensure that the broadcasts are in principle in Frisian. *Omrop Fryslân* broadcasts 80 hours of radio programmes each week (12 hours a day on weekdays and 10 hours a day at weekends).

7.6. The regional television broadcasts of *Omrop Fryslân* started in February 1994 as a 3-year experiment on the basis of the Media Act. As a follow-up to the experiment, *Omrop Fryslân* was given permission to continue with regional public-mission television from 1 January 1997 onwards. It was for this reason that section 75a of the Media Act was amended by Act of 4 April 1996 (Bulletin of Acts and Orders 219) in order to convert the experimental scheme for regional public-mission television into a permanent scheme.

Initially, the television broadcasts of *Omrop Fryslân* lasted for two hours every evening (only on weekdays). The programme consisted of 1-hour broadcast that was repeated later in the evening.

7.7. The broadcasting time for the regional television programmes of *Omrop Fryslân* were greatly increased on 4 October 1997. Since that date the programme has consisted of a 1-hour broadcast that is repeated three times later in the evening and once more the following morning. A 15-minute evening news bulletin is repeated every hour throughout the night (from 2300 to 0800 hrs.). Another new departure is that *Omrop Fryslân* now also broadcasts on Saturday evenings.

In addition, the regional television channel broadcasts a 5-minute programme for young children early in the evening (with the exception of Sundays).

7.8. The majority of the municipalities in the province of Fryslân have public-mission local radio stations and television channels. Frisian is used in the broadcasts on some of these local stations and channels. There is no systematically gathered information about the use made of Frisian in these broadcasts.

In cooperation with *Omrop Fryslân* the Afûk provides an oral course in Frisian for employees of the local broadcasting organisations. Two such courses (with a total of 23 participants) were given in 1996. The participants came from some eight broadcasting organisations from all parts of the province (source: *De Pompeblêden*, 68 (2) 5, 7).

Article 11, paragraph 1, sub-paragraph (b), option (ii): non-public-mission broadcasting (radio)

Article 11, paragraph 1, sub-paragraph (c), option (ii): non-public-mission broadcasting (television)

7.9. According to the notes on Article 11, paragraph 1, of the Charter (see Explanatory Report, section 110), sub-paragraphs (b) and (c) relate to the private sector.

7.10. When accepting the Charter the Netherlands undertook, for the users of Frisian in the province of Fryslân “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:

(b) (ii) to encourage and/or facilitate the broadcasting of radio programmes in [Frisian] on a regular basis;

(c) (ii) to encourage and/or facilitate the broadcasting of television programmes in [Frisian] on a regular basis.”

It is for this purpose that the Netherlands has introduced a statutory arrangement governing television programmes of commercial broadcasting organisations.

7.11. Section 71g (3) of the Media Act provides that the minimum percentage of the television programmes of a commercial broadcasting organisation that must consist of originally Dutch-language or Frisian-language programme components is to be fixed by Order in Council. In special cases the Media Authority may, on request, decide to reduce this percentage for a given commercial broadcasting organisation, subject to conditions (cf. Bulletin of Acts and Orders 1996,219).

The Royal Decree of 22 June 1992 (Bulletin of Acts and Orders 334) inserted a provision in Article 521 of the Media Order specifying that the percentage referred to above must be at least forty. This provision has applied not only to national commercial broadcasting but also to regional or local commercial broadcasting since 1996, when the prohibition on non-national commercial broadcasting was lifted.

7.12. The Explanatory Memorandum notes in respect of section 71g of the Media Act that the expression “originally Dutch-language or Frisian-language programme components” cannot be interpreted as meaning “programme components that have been subtitled or dubbed in Dutch or Frisian. ‘Mixed’ programme components, for example the daily news bulletins, may be counted in their entirety, unless the Dutch or Frisian language plays only a very subordinate role in them.” (cf. Bulletin of Acts and Orders 1992, 334, p. 28).

Article 11, paragraph 1, sub-paragraph (f), option (ii): measures to encourage audiovisual productions

7.13. When accepting the Charter the Netherlands undertook, for the users of

Frisian in the province of Fryslân “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:

(f) (ii) to apply existing measures for financial assistance also to audiovisual productions in [Frisian]”.

7.14. There is a Fund for the Promotion of Cultural Broadcasting, which is established in Amsterdam. The object of this Fund is:

to promote programme components which are of a special Dutch cultural nature and are provided by broadcasting organisations, the Dutch Programme Foundation and a number of other institutions listed in section 170 of the Media Act,⁴⁴ which have obtained broadcasting time for national broadcasting. The said programme components have a high artistic content, have been made mainly with authors and staff resident in the Netherlands, take place to a large extent in locations in the Netherlands, use mainly Dutch or Frisian and are intended for the public in the Netherlands (cf. 1993 Administrative Agreement, Art. 5.4.2.).

It can be inferred from the wording of section 170 of the Media Act that only broadcasting organisations that have obtained broadcasting time for national transmissions can successfully apply to the Fund. It follows that *Omrop Fryslân* cannot apply to it for funding regional broadcasting.

7.15. In 1996 *Omrop Fryslân* successfully applied for the first time to the Fund for the Promotion of Cultural Broadcasting for a Frisian-language production broadcast on a national channel (source: 1996 annual report of *Omrop Fryslân*). A subsidy of 376,000 guilders was allocated in 1996 for a series of programmes. A subsidy totalling 90,000 guilders was provided in 1997 for the writing of scenarios for 6 documentaries.

Article 11, paragraph 2: broadcasts in Frisian from neighbouring countries

7.16. The Frisian language is spoken in Germany - albeit in a rather different form - in Saterland (Lower Saxony) and in the North-Friesland district (Schleswig-Holstein). The Frisian-speakers in these areas number around 2,000 in Saterland and around 10,000 in the North-Friesland district. For a proper understanding of the position of Frisian in German broadcasting, reference should be made to a brief explanation of government policy in Germany on the Frisian language and culture (cf. sections 10.5-10.8).

7.17. The use of the Frisian language in the media in Germany is limited. Since 1989 Frisian has occupied only a very modest place in the radio programmes of

⁴⁴ The text is worded slightly differently in the 1993 Media Act since this referred to section 36 of the Media Act then in force. As a result of amendments to the Act, section 170 of the Media Act now lists institutions that can apply for funding. The present report is based on the wording of the statute now in force (for the wording of section 170, see Bulletin of Acts and Orders 1994, 386).

sub-regional transmissions of the public-mission channel NDR (*Welle Nord*): a 5-minute programme is broadcast weekly. There are no regular Frisian television broadcasts in Germany. Frisians have acquired a marginal position in the written press, in particular in the North-Friesland district (cf. Steensen, 1994, pp. 23-24).⁴⁵

7.18. When accepting the Charter, the Netherlands undertook to “guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to [Frisian] and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language”.

Since freedom of expression is recognised in the Netherlands, radio and television broadcasts from neighbouring countries are not interfered with or otherwise opposed. In this sense the direct reception of radio and television broadcasts from neighbouring countries is guaranteed. In practice, reception of the Frisian programme of *Welle Nord* (NDR) is poor in the Dutch province of Fryslân. Nor are short programmes of this kind retransmitted. It is not known whether the inhabitants of the province of Fryslân themselves feel there is a need for this.

7.19. When accepting the Charter the Netherlands also undertook “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 [Frisian]”.

Since freedom of expression is guaranteed in the Netherlands, such a right is fully guaranteed. The exercise of this right in respect of information in Frisian in the written press in Germany gives rise to no problems.

7.20. The exercise of the freedom of expression as referred to in Article 11, paragraph 2, of the Charter is subject to certain closely defined restrictions. These are of no relevance whatever to the situation in the Netherlands.

7.21. *In summary*, it may be concluded that the Dutch legislation is in keeping with the options accepted by the Netherlands from Article 11 of the Charter. The Government, in cooperation with the province of Fryslân, concentrates on implementation of the measures and defining the parameters (financial and otherwise) of the policy. These matters are all discussed during the consultations in the context of the Administrative Agreement on the Frisian language and culture.

⁴⁵ Steensen, Th. (1994) *Frisians in Schleswig-Holstein*. Bräist [Bredstedt]: Nordfriisk Instituut.

VIII. Article 12: Cultural activities and facilities

8.1. Article 12, paragraph 1, of the Charter provides a non-exhaustive list of 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 ...”

8.2. Chapter 5 of the 1993 Administrative Agreement is devoted to the general policy on the Frisian language and culture as agreed between central government and the province. In the Administrative Agreement some of the cultural facilities referred to Article 12, paragraph 1, of the Charter are dealt with not in chapter 5 but in chapter 4, i.e. the chapter on scholarly study involving the Frisian language and culture (Article 4.5) and libraries (Article 4.6). In the context of the report on the Charter, the last two subjects will therefore be included in the discussion of Article 12, paragraph 1.

8.3. Foreign cultural policy is also covered by Article 12 of the Charter. In the 1993 Administrative Agreement this aspect of cultural policy was dealt with in chapter 2, and in Article 4.1.4 (in relation to the internationalisation of education and research on bilingual education) and Article 5.1.1 (internationalisation of culture).

Article 12, paragraph 1, sub-paragraphs (a)-(g): promotion of Frisian culture in a general sense

8.4. When accepting the Charter the Netherlands undertook, with regard to cultural activities and facilities (a non-exhaustive list of which was given in section 8.1 above):

“within the territory where [Frisian] is 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 [Frisian] and foster the different means of access to works produced in [Frisian];
- (b) to foster the different means of access in other languages to works produced in [Frisian] by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
- (c) (not notified for ratification);
- (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 the [Frisian] language and culture 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 [Frisian], 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 [Frisian].”

8.5. Once every four years the Minister responsible for cultural policy draws up a Policy Document on Culture which is presented to both Houses of Parliament. Chapter 5 of the 1997-2000 Policy Document on Culture, which was issued in 1996, emphasises (in a passage written in Frisian) that Frisian, like Dutch, is one of the two official languages of the Netherlands. The policy document continues:

Naturally, the care devoted to Dutch and the position of this language in no way detracts from the Government’s efforts on behalf of the Frisian language and culture and the use of Frisian in administrative matters and other public business in Friesland. When the composition of the executive boards and advisory committees for the Literary Fund and the Association for the Production and Translation of Dutch Literature is determined, a close watch is always kept to ensure that the contribution of Frisian and the expertise in the field of the Frisian language are guaranteed. The importance attached to Frisian culture is also evident from the subsidy given to Oerol and the Museum and Documentation for Frisian Literature and the increased subsidy for *Tryater* (the Frisian-language professional theatre company).

The Policy Document on Culture was accompanied by a number of policy papers on the cultural sector, including a paper entitled *Cultuur en School* (Culture and School). This policy paper has already been mentioned in this report, namely in the discussion of Article 8, paragraph 1, sub-paragraph (g) (section 4.75 above).

8.6. The Literary Fund referred to in the Policy Document on Culture and the Foundation for the Production and Translation of Dutch Literature (NLPVF) are legal entities under private law, but must nonetheless be treated as independent administrative authorities having regard to their function and structure. The constitution and bye-laws of these bodies are published in the Government Gazette (*Staatscourant*). Alterations to the constitution or the bye-laws⁴⁶ and dissolution of the foundation require the approval of the Minister responsible for cultural policy. The function of these bodies in relation to Frisian literature is dealt with in more detail below (see section 8.12 et seq. for the Literary Fund and section 8.15 et seq. for the NLPVF).

8.7. As sub-paragraphs (a) to (g) of Article 12, paragraph 1, of the Charter are closely interconnected, the measures taken by the Netherlands in this respect are discussed together.

⁴⁶ Alterations to the bye-laws of the NLPVF do not require the approval of the Minister; it is sufficient if notice of the alteration is given to the Minister. The bye-laws and any alterations to them need not be published in the Government Gazette.

8.8. The following policy aspects will be considered successively in the discussion on central government policy on the Frisian language and culture:

- Frisian literature;
- Frisian drama;
- scholarly studies of the Frisian language and culture;
- libraries;
- the central government budget for the Frisian language and culture.

8.9. The following general remarks may be made about the policy aspects mentioned in the previous section. As regards the measures accepted by the Netherlands from Article 12, paragraph 1, sub-paragraphs (a), (d) and (f) have always been applied.

The measures referred to in sub-paragraphs (b) and (g) are of importance only in respect of Frisian literature and will be dealt with under that heading.

The measure referred to under sub-paragraph (e) is not clearly recognisable in government policy. There is, incidentally, no indication that the bodies in the province of Fryslân referred in sub-paragraph (e) have problems in obtaining sufficient staff with a full command of Frisian.

The measures referred to in sub-paragraph (h) are dealt with separately because they do not relate to the policy aspects mentioned in the previous section.

Frisian literature (Article 12, paragraph 1, sub-paragraphs (a), (b), (d), (f) and (g))

8.10. There is an institution in the province of Fryslân for the documentation, archiving, promotion and encouragement of the Frisian language and literature. This is known as the *Frysk Letterkundich Museum en Dokumintaesjecentrum* (Museum and Documentation Centre for Frisian Literature) in Leeuwarden. The Centre is funded by the Minister of Education, Culture and Science and the province of Fryslân. Important functions of the Centre are documentation and archiving. In addition, it organises exhibitions and arranges publications and talks.

8.11. At the request of the Provincial Executive of Fryslân, the Museum and Documentation Centre for Frisian Literature has since 1991 played a role in promoting the literary climate in the province. For this purpose the Centre has appointed a coordinator for the promotion of Frisian literature. Under its terms of reference the Centre also has a responsibility for assisting Frisian authors. It regularly holds courses and workshops for the benefit of writers of Frisian literary texts.

8.12. The object of the Literary Fund Foundation, which is based in Amsterdam,⁴⁷ is to promote Dutch literature. One of the ways in which it does

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For a discussion of the Literary Fund as an independent administrative body,

this is by providing individual subsidies - for non-commercial purposes - to literary authors and literary translators who publish in Dutch or Frisian (cf. Article 2 of the Constitution of the Foundation). Literary authors and translators include those who write or translate literature and plays for children and young people.

8.13. The Literary Fund Foundation operates various subsidy schemes for literary authors and translators. The subsidies are payable to individual authors and take the form of job grants, supplementary royalties and travel grants for writers of original literary work and translators of literary works who publish in Dutch or Frisian. An honorary annual grant may also be awarded to a limited number of authors and translators aged 60 and over for services of special merit to Dutch and Frisian literature (cf. articles 2, 8, 10, 12 and 14 of the bye-laws).

8.14. The executive board of the Literary Fund Foundation is required to ensure that one of its members is an expert in Frisian literature (article 6 of the Foundation's constitution). The Fund is also required to arrange the composition of the committees appointed to advise the executive board on whether or not to award subsidies for Frisian literary work under the applicable schemes (cf. articles 16 and 17 of the bye-laws). Out of the Foundation's total budget of 8 million guilders in 1995, a sum of 160,000 guilders was allocated to Frisian literary authors and literary translators under schemes for job grants and supplementary royalties. Seven Frisian authors were awarded job grants by the Foundation in 1995, and eight authors and one literary translator obtained supplementary royalties for work published by them in 1994. At present, no annual honorary grant has been awarded to a Frisian literary author or translator aged 60 or over (Source: 1995 Annual Report of the Literary Fund Foundation). The information about 1996 was not available at the time this report was prepared.

8.15. The object of the Foundation for the Production and Translation of Dutch Literature (NLPVF), which is established in Amsterdam,⁴⁸ is:

- to promote the production of original Dutch and Frisian works of high quality;
- to promote the translation of original Dutch and Frisian works of high quality into languages other than Dutch and Frisian;
- to promote the translation into Dutch and Frisian of literary works from other less easily accessible languages if this is considered of special importance in ensuring the variety of literary works available in the Netherlands (cf. article 2 of the constitution of the Foundation).

8.16. The NLPVF operates various subsidy schemes intended for publishers of literary work that is originally Dutch or Frisian, including subsidies for:

see section 8.6.

⁴⁸ For a discussion of the Foundation for the Production and Translation of Dutch Literature as an independent administrative body, see section 8.6.

- publications of literary books;
- illustrated literature for children and young people;
- literary magazines (both production and royalty subsidies);
- translation into Dutch and Frisian of important literary texts from less easily accessible languages.

In the category of literary book publications, mention may be made of the publication of a series of Frisian literary classics for which the NLPVF has provided a subsidy. A first series of Frisian literary classics has already been published in recent years. It has now been decided to grant the subsidy for a second series of Frisian classics that will comprise three books annually in the period from 1997 to 2000. In addition, the NLPVF has made possible the production of three collections of Frisian poetry. A book on Frisian literature for children and young people was also published in 1996 with the support of the NLPVF. This has been published in English, German and Spanish as well as in Dutch.

In the category of literary magazines, two Frisian magazines received a subsidy from the NLPVF in 1996. No subsidy was provided by it in 1996 in the category of illustrated literature for children and young people (source: 1996 NLPVF Annual Report).

8.17. The NLPVF also provides translation subsidies for foreign publishers wishing to publish translations of Dutch or Frisian literature, including children's books. Various publications of Frisian authors received a translation subsidy in 1996, including a Japanese translation of a children's book by Mindert Wynstra.

Finally, the NLPVF also provides subsidies for the Authors' Programme Abroad. This programme is intended first and foremost for foreign universities organising guest writer programmes to which Dutch or Frisian authors are invited and, second, for foreign publishers, literary institutions and faculties to facilitate participation by Dutch or Frisian authors in literary programmes, events and/or promotional activities connected with work translated abroad. The Frisian poet Tsjêbbe Hettinga was given the opportunity by the NLPVF in 1996 to attend conferences in Ireland and the United Kingdom.

8.18. Under the terms of the 1993 Administrative Agreement (Article 5.3.6), the executive board of the NLPVF is required to have an expert in Frisian literature among its members. With the exception of the Literary Magazines Committee and the Frisian Literary Magazines Committee, there are no regular advisory committees to advise the NLPVF on the various subsidy schemes. When an application is received for a subsidy for Frisian literature, experts in the relevant field are invited by the NLPVF to make a recommendation. Seven experts in Frisian literature made recommendations in 1996 (source: 1996 NLPVF Annual Report).

8.19. The Ministry of Education, Culture and Science has made available a central government budget for projects to promote the reading of Dutch and/or Frisian literature. In addition, broadcasting programmes and parts of broadcasting

programmes aimed at promoting literary books and the reading of literature are eligible for subsidy. This possibility applies to the programmes of not only national broadcasting organisations but also regional or local broadcasting organisations.

8.20. The following points should be noted in respect of the central government budget for promoting the reading of literary works. Since 1994 the *Stichting Lezen* (Foundation for Reading) has advised the Minister of Education, Culture and Science on how reading can be encouraged in the Netherlands and how the relevant government budget can best be spent. Projects aimed at promoting Frisian literature are also eligible for subsidy.

It is important to note in this respect that a provincial forum for the promotion of reading was established in Fryslân in 1996 under the name *Platfoarm Lêsbefoarding Taalryk Fryslân*, in which a wide range of organisations cooperate.

8.21. The following projects aimed at promoting the reading of Frisian literature received a subsidy in 1996 through the intermediary of the Foundation for Reading:

- a seminar on promotion of reading in Frisian (intended for schools in educational priority areas);
- a ‘reading pyramid’ project intended to maximise the reading pleasure of primary school pupils by encouraging them to read Dutch and Frisian books at home;
- a series of six Frisian school television broadcasts under the title *Boeken Boppe*; this too was aimed at encouraging primary school pupils in the highest classes to read Dutch and Frisian books. This project was so successful that the NPS has included the broadcasts in its national programme for 1997 (source: 1996 *Stichting Lezen* Annual Report).

Frisian drama (Article 12, paragraph 1, sub-paragraphs (a), (d) and (f))

8.22. The central government subsidises a professional Frisian theatre company. This is *Tryater*, which performs Frisian drama for adults and also bilingual drama for young people. The drama for young people is subsidised in part by the province of Fryslân.

8.23. The financial support for *Tryater* is provided in accordance with the standards applicable to professional theatre generally. The only exceptions are that the rules on distribution of performances are relaxed in that the performances can be confined to the province of Fryslân and that the normal minimum income has been reduced. Since the language catchment area is so small, a lower minimum of own income has been fixed.

It is the function of the Provincial Executive of Fryslân to create conditions that permit a wide distribution of performances by subsidising performances that would not otherwise be feasible owing to the limited capacity of the hall or the location of the place of performance. In order to ensure that

stage performances are well-distributed throughout the venues in Fryslân, the province has a Theatre and Music Scheme (cf. Administrative Agreement 1993, Articles 5.2.1-5.2.6). In addition, *Tryater* regularly performs plays in Frisian outside the province of Fryslân. It has, for example, staged regular performances at the theatre in Groningen.

8.24. There is a national fund for performing arts. The Minister of Education, Culture and Science has accorded the fund an important role in the structuring of the performing arts, particularly in assisting in the development of new talent and the staging of experimental productions. In 1993 the Minister accepted the obligation to create opportunities in the objects and procedures of the fund for strengthening certain aspects of Frisian language and culture in respect of the performing arts (cf. 1993 Administrative Agreement, Art. 5.2.7).

Scholarly studies of Frisian language and culture (Article 12, paragraph 1, subparagraphs (a), (d) and (f))

8.25. Scholarly research in the field of Frisian language and literature take place - at university level - at the University of Groningen and the University of Amsterdam pursuant to agreements laid down in the 1992 Covenant for the Consolidation of Educational Provision in Minor Language Studies (see sections 4.52 and 4.53 above).

8.26. One of the aims of central government policy in relation to university education is to maintain a quasi-university institution for the study of Frisian language and culture on the basis of a subsidy from the Ministry of Education, Culture and Science. The institution in question is the *Fryske Akademy* (Art. 4.5.1 of the 1993 Administrative Agreement).

8.27. In accordance with research policy in respect of quasi-university institutions such as the *Fryske Akademy*, the financial resources of the Minister have been transferred to the Royal Netherlands Academy of Arts and Sciences (KNAW). The following provisions apply to this arrangement:

- (a) the nature of the link between the *Fryske Akademy* and the Royal Netherlands Academy is determined by themselves in mutual consultation; the independence and unity of the *Fryske Akademy* are preserved in this connection (...);
- (b) the central government funds transferred to Royal Netherlands Academy are earmarked and intended for scholarly research by the *Fryske Akademy* into matters pertaining to Friesland;
- (c) the Royal Netherlands Academy assesses the quality of the scholarly studies carried out by the *Fryske Akademy* (...) (Art. 4.5.2. 1993 Administrative Agreement).

The quality of the scholarly activities was approved in 1995 by a visitation committee that had an international composition.

8.28. The *Fryske Akademy* receives an annual subsidy from the Royal Netherlands Academy of Arts and Sciences (KNAW) and the province of Fryslân. The scholarly activities are divided between the following research units:

- the linguistics unit
- the literature, history and onomastics unit
- the social sciences unit.

8.29. The linguistics unit does not confine its research activities to linguistics. It is also responsible for carrying out the current lexicographic projects of the *Fryske Akademy* such as a scholarly study of modern Frisian, a concise dictionary of Frisian based on this study and a Frisian-English dictionary designed to make Frisian vocabulary accessible to scholars abroad. The linguistics unit is also responsible for the development of terminological dictionaries. A Frisian legal dictionary is currently being prepared (see section 8.39 below).

8.30. The literature, history and onomastics unit makes an important contribution to the republishing of Frisian literary classics (see also section 8.16). This unit also undertakes research into the history of Frisian books and the reading public.

8.31. The social sciences unit is involved among other things in sociological research into language and research of bilingual education. The internationalisation of academic research, for example sociolinguistics research and research into bilingual education, is one of the special areas on which the unit focuses (see also sections 8.50-8.53).

8.32. As mentioned previously in the report, the *Fryske Akademy* also carries out scholarly research in the field of Frisian linguistics and literature at the Universities of Amsterdam and Leiden (cf. sections 4.53 and 4.54 above).

Frisian in libraries (Article 12, paragraph 1, sub-paragraphs (a), (d), (f) and (g))

8.33. It is the policy of the central government to maintain an institution that runs a library of Frisian language and culture. The institution in question, which is partly funded by the province of Fryslân, is at present the *Provinsjale en Bumabibliotheek fan Fryslân* (PB) in Leeuwarden (cf. section 4.6.1 1993 Administrative Agreement).

8.34. The Minister of Education, Culture and Science and the Provincial Executive of Fryslân regard the PB as being of great importance owing to its interesting collection of books for the study of Frisian and the history of the Frisians. The PB meets the needs of scholars and other readers in the Netherlands for such works by lending them through the Inter-library Lending Service (section 4.6.5 1993 Administrative Agreement).

8.35. In addition, the Minister of Education, Culture and Science provides an

annual grant for the Frisian sections of public libraries. The money is made available through the central government budget item for Frisian language and culture. The grant is paid to the province of Fryslân, which then passes on the majority of it to the Central Library Service for Friesland in Leeuwarden. The 1997 provincial budget shows that the sum involved is around 170,000 guilders.

Central government budget item for Frisian language (Article 12, paragraph 1, sub-paragraphs (a), (d) and (f))

8.36. The Minister of Education, Culture and Science provides the province of Fryslân with an annual grant to promote the Frisian language and culture. The grant is intended to support the efforts and activities of the province of Fryslân in this respect. The 1996 grant was fixed at 794,923 guilders. According to Article 5.3.3 of the 1993 Administrative Agreement the award of the grant is assessed by reference to the principles set out in the *Investing in Culture* policy document and the provincial policy on arts and culture.⁴⁹

8.37. The province of Fryslân uses the money from the central government grant to defray part of the costs of provincial policy on language, literature and culture.

Article 12, paragraph 1, sub-paragraph (h): translation and terminological research services

8.38. When accepting the Charter the Netherlands undertook, with regard to cultural activities and facilities (a non-exhaustive list of which was given in section 8.1 above):

“within the territory where [Frisian] is used and to the extent that the public authorities are competent, have power or play a role in this field:

- (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 [Frisian].”

8.39. Article 3.5 of the 1993 Administrative Agreement expressly left open the possibility of examining how and to what extent the creation of a Frisian legal dictionary could be achieved. The central government and province have now decided to provide support for the production of such a dictionary. The *Fryske Akademy* has been charged with carrying out the project (see section 6.46 and 6.47 above).

⁴⁹ The Provincial Executive of Fryslân prepared a new paper on provincial policy on the arts in 1997, which will be presented in the course of this year to the Provincial Council. As mentioned previously, the Government published a new policy document on culture - *Cultuur 1997-2000* - in 1996, which incorporates government policy on the Frisian language as the second official language of the Netherlands.

Article 12, paragraph 2: cultural activities and facilities for Frisian *om utens*⁵⁰

8.40. When accepting the Charter the Netherlands undertook “in respect of territories other than those in which [Frisian] is traditionally used, if the number of users of [Frisian] justifies this, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph”.

8.41. In view of the constitutional freedoms applicable in the Netherlands, Frisians living outside the province of Fryslân are of course permitted to arrange cultural activities and facilities in accordance with the provisions of paragraph 1 of Article 12. This freedom is naturally exercised, often by people acting together in organisations, for example the *Fryske kriten* - local Frisian associations - which are generally affiliated to *It Frysk Boun om Utens*, the umbrella organisation for Frisians living outside the province of Fryslân.

8.42. The main objects of *It Frysk Boun om Utens* and its affiliated *kriten* are (to use the terms of Article 12, paragraph 1):

- to promote activities connected with Frisian literature, for example by inviting Frisian literary authors;
- to organise Frisian language courses;
- to hold Frisian drama evenings, some of which involve performances by the professional Frisian theatre company *Tryater* (see also sections 8.22 and 8.23).

Article 12, paragraph 3: cultural policy abroad

8.43. When accepting the Charter the Netherlands undertook “to make appropriate provision, in pursuing [its] cultural policy abroad, for [Frisian] and the culture it reflects”.

8.44. The international cultural relations of the Netherlands are based on the general policy objectives set out in the 1992 Policy Document on International Cultural Relations (Parliamentary Document 1991-1992, 21 637, no. 3). The first two objectives in the policy document in particular are of specific importance in relation to the Frisian language and culture:

1. developing education, science and culture in the broad sense by means of international contacts and by the creation and development of paths and instruments that make such contacts possible.
2. making known abroad the Netherlands’ own culture, in particular the Dutch and Frisian languages, and cooperating in the presentation in the Netherlands of the culture of other countries.

⁵⁰ Frisians *om utens* is the expression used in Fryslân to denote Frisians living outside the province.

8.45. In keeping with the Policy Document on International Cultural Relations the central government and the province of Fryslân declared in the 1993 Administrative Agreement that their policy was aimed at developing education, science and culture in the broad sense by means of international contacts and by the creation and development of paths and instruments that make such contacts possible (Articles 2.1 and 2.2, 1993 Administrative Agreement).

8.46. It is noted that an important place has been set aside for the Dutch and Frisian languages in the promotion of the Netherlands' culture. The central government and the province of Fryslân will take account of the Frisian language and culture in the activities undertaken abroad to provide information about the Netherlands. The general way in which these objectives are to be achieved is a subject which the Minister for Foreign Affairs and the Provincial Executive of Fryslân will continue to discuss together (Articles 2.3-2.5, 1993 Administrative Agreement).

8.47. The 1994/95 annual report of the State Secretary for the Interior on the implementation of the 1993 Administrative Agreement mentioned the arrangement that the Frisian language and culture would always be mentioned in connection with "mutual languages and cultures" in bilateral agreements with other countries (§ 3.3 of the report).

8.48. The Frisian language and culture is presented alongside Dutch culture at various international cultural events, for example the promotion of Dutch literature at important international book fairs. In 1993, a special place was created for Dutch and Flemish literature at the *Frankfurter Buchmesse*. Dutch literature was represented at the annual international book fair for the Spanish-speaking world (*Liber '95*) in Barcelona in 1995. And in 1997 Dutch literature was one of the central themes at Scandinavia's largest book fair - the *Bokmässen* in Göteborg (Sweden).

In the context of the presentation of Dutch literature abroad, both in Frankfurt and in Barcelona, Frisian literature too was brought to the attention of a wider public. However, this line was interrupted in 1997.

8.49. It has already been noted above that the Foundation for the Production and Translation of Dutch Literature (NLPVF) provides subsidies for foreign publishers and for the Authors' Programme Abroad, of which Frisian authors too can take advantage. Such activities can also be classified as promoting the Netherlands' own culture abroad.

8.50. It is also the policy of the Minister of Education, Culture and Science and of the province of Fryslân to ensure that education and research in respect of the Frisian language and literature in the broad sense can benefit from international contacts established as a result of the policy of internationalisation (Article 4.1.4, 1993 Administrative Agreement).

8.51. In the recent past the University of Kiev has received extra support

through the *Fryske Akademy* for the purchase of Frisian literature. Palacký University in Olomouc (Czech Republic) held an intensive summer course in Frisian in Olomouc in 1997. This was arranged in cooperation with Comenius (the association of teachers and students of Dutch in Central and Eastern Europe), the *Fryske Akademy* and the Frisian course of the University of Amsterdam.

8.52. In order to promote the internationalisation of the study of the Frisian language, the *Fryske Akademy* strives to put the sociolinguistics research and research into bilingual education on an international footing. In recent years, the *Fryske Akademy*, which carries out the sociolinguistics studies of the position and use of the Frisian language, has taken part in a network of institutes that carry out similar language surveys in Ireland, Wales and the Basque region of Spain. This network has been made possible in part by the support provided by the European Commission.

8.53. In addition, the *Fryske Akademy* acts as coordinator of Mercator-Education, the European network for information, documentation and research into the position of autochthonous minority languages in the education systems of the member States of the European Union. This network, which was set up in 1987, has been made possible in part by the support given by the European Commission, the Minister of Education and Science and the province of Fryslân.

8.54. Reference is also made to the sections relating to Article 14 of the Charter (in chapter X of the report).

8.55. *In summary*, it may be said that the Dutch legislation is in keeping with the options accepted by the Netherlands from Article 12 of the Charter. As regards the measures referred to in option (e) of article 12, paragraph 1, it should be noted that it is not easy to identify such measures on the part of the central government (see section 8.9 above).

The Dutch Government concentrates - in cooperation with the province of Fryslân - on implementing the measures and on defining the parameters of policy (including financial parameters). These matters are the subject of discussion in the context of the Administrative Agreement on the Frisian language and culture.

The periodic review of the Administrative Agreement (cf. section 1.10 above) provides an opportunity to see how and to what extent the central government and the province of Fryslân make arrangements about specific subjects, such as presentation of Frisian literature at major international book fairs as part of the presentation of Dutch literature (cf. section 8.48 above).

Article IX Article 13: Economic and social life

9.1. The 1993 Administrative Agreement contains no articles devoted to the position of the Frisian language in economic and social life. As the Administrative Agreement is revised at periodic intervals, the central government and the province of Fryslân can consider making joint arrangements about this field of policy too, taking account of the measures that the Netherlands has undertaken to perform in connection with acceptance of the Charter.

Article 13, paragraph 1, sub-paragraph (a): contracts of employments, instructions for use etc.

9.2. When accepting the Charter the Netherlands undertook “with regard to economic and social activities, (...) within the whole country:

- (a) to eliminate from [its] legislation any provision prohibiting or limiting without justifiable reasons the use of [Frisian] 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”.

9.3. In 1986/87 *Berie foar it Frysk*, the provincial advisory body on Frisian language policy, drew up a list of statutory provisions governing the use of the Frisian language and restrictions on this use. This list, which was published under the title *Lykberjochting en it Frysk*⁵¹ (Berie, 1987: chapter 3, part W 7), shows that the use of Dutch is frequently compulsory in economic life, and that no scope is left for the use of other languages such as Frisian.

9.4. The list drawn up by the *Berie* shows that there are no statutory provisions regulating contracts of employment. In practice, contracts of employment can be drawn up in Frisian. This is done on a modest scale, mainly by the bodies referred to in Article 12, paragraph 1, sub-paragraph (d), of the Charter and also by the lower-tier authorities in the province of Fryslân.

As contracts of employment, in so far as they are recorded in writing and signed, are classified as instruments executed under hand, the reader is also referred to the sections relating to Article 9, paragraph 2, sub-paragraph (b), of the Charter (section 5.15 et seq.).

9.5. The list drawn up by the *Berie* also shows that there is a restriction on the use of Frisian in the case of documents entered in the public registers of the Land Registry (e.g. contracts of sale and mortgage deeds) (see also section 5.27 above).

9.6. The list referred to in the previous section also reveals that there is a provision in respect of the registers kept by the Chambers of Commerce that the

⁵¹ Berie foar it Frysk (1987) *Lykberjochting en it Frysk: momintopname fan in ûnfolsleine rjochtssteat*. Ljouwert [Leeuwarden]: Berie foar it Frysk/Fryske Akademy (Berie report; 1).

use of Frisian is not permitted in instruments intended for entry in such registers. These instruments include instruments of incorporation of public and private companies, and instruments establishing an association or foundation which is registered as a legal entity. It has already been noted above that Frisian cultural associations and foundations regularly urge that this prohibition be lifted (for further details, see section 5.28).

9.7. The statutory restriction on the use of the Frisian language in instruments intended for entry in the public registers of the Land Registry and Chamber of Commerce, as noted above in sections 9.5 and 9.6, can be regarded as a provision limiting or prohibiting the use of Frisian in documents relating to economic and social life, as referred to in the present provision of the Charter.

It should be noted in this connection that the issue of authentic instruments drawn up in Frisian and their entry in public registers as well as the entry of documents drawn up in Frisian in registers kept by bodies such as the Chambers of Commerce is a subject of consultation between the central government and the province of Fryslân (see also sections 5.29 and 5.30).

9.8. As regards instructions for the use of products or installations, the list drawn up by the *Berie* (1987) contains no statutory provisions containing a guideline on language.

9.9. Some of the statutory provisions listed in the *Berie* report are connected safety instructions, as referred to in Article 13, paragraph 2, sub-paragraph (d). When accepting the Charter the Netherlands decided not to undertake to perform the latter provision on safety instructions; this would have meant that the Netherlands would have had to guarantee that safety instructions would also be drawn up in Frisian.

9.10. It should, however, be noted that the list drawn up by the *Berie* has never been updated. It would be worth considering how and to what extent the central government could assist in updating the list of statutory provisions relevant to Article 13. On the basis of such a list it could be determined to what extent it would be desirable and necessary to eliminate provisions from Dutch legislation as referred to in Article 13, paragraph 1, sub-paragraph (a).

Article 13, paragraph 1, sub-paragraphs (c) and (d): additional measures

9.11. When accepting the Charter the Netherlands also undertook “with regard to economic and social activities, (...) within the whole country:

- (c) to oppose practices designed to discourage the use of [Frisian] in connection with economic or social activities;
- (d) to facilitate and/or encourage the use of [Frisian] by means other than those specified in the above sub-paragraphs”.

9.12. Since there has been no systematic research in the Netherlands into any practices designed to discourage the use of Frisian in connection with economic

or social activities and there is no official notification centre where such practices could be registered, it is not possible to make a reliable pronouncement on the question of whether such practices occur. It is perhaps worth mentioning in this connection the practice of Netherlands Railways in relation to the stations known in Frisian as Hurdegaryp and Grou-Jirnsum, and the practice of PTT Post and PTT Telecom regarding the use of names adopted in Frisian for municipalities and places. Mention can be made of the databases that are made available by both PTT companies to industry and other authorities for a wider use. These databases too do not include the official changes to the place-names in the province of Fryslân, with the result that the businesses and authorities concerned - for example the Central Judicial Collection Agency and the Tax and Customs Administration - themselves encounter problems with the use of names that have been officially adopted. This practice of PTT Post and Netherlands Railways is a source of continuing concern to the central government (cf. sections 6.37-6.39).

9.13. As the result of an initiative by the *Berie foar it Frysk*, activities have been initiated to help to facilitate and/or encourage the use of Frisian in economic and social life. For example, the *Berie* held a seminar in 1995 on the use of Frisian in advertising, among other things with a view to the advertisements broadcast through *Omrop Fryslân*. It also organised an international conference in 1995 on the theme of 'Economic developments in rural areas in interaction with minority languages'.⁵²

9.14. Other means for increasing the scope for using Frisian in economic and social life are also receiving attention. For example, a study was recently made of the use of Frisian by businesses in the tourist and leisure sector in Fryslân. This study was commissioned by the *Stichting Kultuer en Toerisme Friesland* (Frisian Culture and Tourism Foundation).⁵³

9.15. It can be decided in the course of the periodic review of the Administrative Agreement how and to what extent the central government and the province of Fryslân can make agreements to facilitate and/or encourage the use of Frisian in economic and social life.

⁵² *Berie foar it Frysk* (1996) *FORUM-Konferinsje: ekonomyske ûntjouwing yn plattenânsgebieten yn relaasje to minderheidstalen. Ferslach ynternasjonale konferinsje 11-14 oktober 1995* (FORUM Conference: economic development in rural areas in interaction with minority languages. Report on international conference 11-14 October. Ljouwert [Leeuwarden]: *Berie foar it Frysk* (Berie report 9).

⁵³ Vellema, N. (1994) 'The use of Frisian in the tourist and leisure industry'. Groningen: Faculty of Spatial Planning, University of Groningen [unpublished dissertation at first-degree level].

Article 13, paragraph 2, sub-paragraph (b): economic and social activities (public sector)

9.16. When accepting the Charter the Netherlands undertook “with regard to economic and social activities (...) within the territory in which [Frisian] is used and as far as this is reasonably possible:

- (b) in the economic and social sectors directly under [its] control (public sector) to organise activities to promote the use of [Frisian]”.

9.17. The following observation is made in section 104 in conjunction with section 123 of the Explanatory Report regarding the words of limitation “as far as this is reasonably possible”:

“This provision (...) does seek to take account of the fact that some of the measures provided for have significant implications in terms of finance, staffing or training. An acceptance of a particular provision with respect to a given language necessarily entails a commitment to provide the resources and make the administrative arrangements required to render it effective. Nevertheless, it is recognised that there may be some circumstances in which total and unqualified application of the provision in question is not, or not yet, realistic. The phrase ‘as far as this is reasonably possible’ allows the parties, in the implementation of the relevant provisions, to determine in individual cases whether such circumstances obtain.”

9.18. It can be decided in the course of the periodic review of the Administrative Agreement how and to what extent the central government and the province of Fryslân can make agreements about organising the activities referred to in Article 13, paragraph 2, sub-paragraph (b).

Article 13, paragraph 2, sub-paragraph (c): social care facilities: retirement homes, hospitals etc.

9.19. When accepting the Charter the Netherlands undertook “with regard to economic and social activities, in so far as the public authorities are competent, within the territory in which [Frisian] is used and as far as this is reasonably possible:

- (c) to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in [Frisian] persons using [Frisian] who are in need of care on grounds of ill-health, old age or for other reasons.”

9.20. As regards the words of limitation “as far as this is reasonably possible” reference should be made to the note in section 9.17 above. It should, however, be observed that the undertakings given by the Netherlands apply only “in so far as the public authorities are competent”.

9.21. The *Berie foar it Frysk* published a survey report in 1993 on the use of

and attitudes towards Frisian in hospitals in Fryslân.⁵⁴ The survey showed that there was considerable support among both staff and patients for an increase in the use made of Frisian in hospitals. It was, however, also evident that the hospitals as institutions were much less willing to make agreements about the use of Frisian. On the basis of the survey report, the *Berie foar it Frysk* made a number of recommendations to the provincial administration of Fryslân. One of these recommendations has resulted in the establishment of a project on Frisian in the health care sector in consultation with the Association of Health Care Centres in Friesland (VGF) and the hospitals. The *Afûk*, together with the *Halberstma Akademy*, organises Frisian courses for the health care sector. Activities are also being organised in hospitals to implement the proposals.

9.22. No information is available about the use of Frisian and attitudes towards Frisian in retirement homes and in other hostels in the province of Fryslân. No survey has yet been carried out among executive boards, management, staff and residents.

9.23. It can be decided in the course of the periodic review of the Administrative Agreement how and to what extent the central government and the province of Fryslân can make agreements about organising the activities referred to in Article 13, paragraph 2, sub-paragraph (c).

9.24. *In summary*, it may be concluded that, owing among other things to the lack of an up-to-date survey of the statutory provisions governing the use of Frisian and restrictions on this use, it is not possible at present to make any reliable pronouncements on the question of whether Dutch legislation is fully in keeping with the options accepted by the Netherlands from Article 13 of the Charter.

Furthermore, it is evident that no agreements were made in the 1993 Administrative Agreement between the central government and the province of Fryslân regarding the use of Frisian in economic and social life. It can be decided in the course of the periodic review of the Administrative Agreement how and to what extent the central government and the province of Fryslân can make agreements about taking the measures referred to in Article 13, in so far as they have been accepted by the Netherlands under the Charter.

⁵⁴ Hoog, H. (1993) *Om reden fan sûnens*: a survey of the use of and attitudes towards Frisian in hospitals in Friesland. Ljouwert [Leeuwarden]: *Berie foar it Frysk* (Berie report; 7).

X. Article 14: Transfrontier undertakings

10.1. Chapter 2 of the 1993 Administrative Agreement is devoted to international cultural relations and the position of Frisian in them. For a discussion of the policy agreements on ensuring that Frisian is given a place in the international cultural contacts, reference should be made to the sections dealing with Article 12, paragraph 3, of the Charter (section 8.43 et seq.)

10.2. Contacts and exchanges in the field of education, science and culture between Fryslân and other regions where a regional minority language is used, for example Wales and Catalonia, are a subject that receives attention in the common policy of the central government and the province of Fryslân. Examples of exchanges and contacts of this kind are ties of friendship between schools, the exchange of teachers and the joint organisation of cultural activities (cf. section 126 of the Explanatory Report).

10.3. The contacts between the Frisian language areas in the Netherlands and Germany are not designated in the 1993 Administrative Agreement as a subject warranting special attention.⁵⁵

Article 14, paragraph (a): bilateral agreement between the Netherlands and Germany regarding the Frisian language

10.4. When accepting the Charter the Netherlands undertook “to apply existing bilateral and multilateral agreements which bind [it] 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”.

10.5. Before considering the foreign policy of the Netherlands and Germany regarding the Frisian language culture, this section will first briefly explain German government policy on Frisian language and culture. Since cultural policy in Germany is primarily the responsibility of the individual states, the explanation of government policy on the Frisian language in Germany will concentrate on the states concerned.

10.6. The government of the state of Schleswig-Holstein instituted the position of *Beauftragte der Regierung für Grenzlandfragen* in 1988. The *Grenzlandbeauftragte* is an authorised representative of the First Minister of the state in question. He advises the government of the state of Schleswig-Holstein on minorities policy in the German-Danish border area. His terms of reference also include the Frisians in the North-Friesland district (*Kreis*).

10.7. The *Landtag* in Kiel (the parliament of the state of Schleswig-Holstein)

⁵⁵ As regards the Frisian language areas in Germany see also section 7.16 above.

established a ‘*Gremium für Fragen der friesischen Bevölkerung im Lande Schleswig-Holstein*’. The committee consists of the chairman of the *Landtag*, one member of each of the political parties represented in the *Landtag*, the North-Frisian members of the parliament in Bonn, the *Grenzlandbeauftragte*, a representative of the *Kultusministerium* (Ministry of Culture and Education) in Kiel and four representatives of the Frisian minority in the North-Friesland district. The committee meets twice a year under the chairmanship of the Speaker of the *Landtag* in Kiel. The work of the committee consists of supporting and promoting the Frisian language and culture in the North-Friesland district.

10.8. In addition to the establishment of the above-mentioned *Gremium*, Article 5 of the new *Landesverfassung* (constitution of Schleswig-Holstein) contains a provision regarding the right of the Frisian minority in the North-Friesland district to support and protection. The *Landesverfassung* of the Lower Saxony does not contain a similar provision regarding the Frisian language in Saterland.

10.9. There is no separate cultural agreement between the Netherlands and Schleswig-Holstein designating the Frisian language as a subject to receive joint attention.⁵⁶ The Cultural Agreement between the Netherlands and Germany (1961) does not mention the Frisian language explicitly. However, this Agreement can provide an excellent basis for exchanges in the field of culture, education etc. in which the Frisian language and culture plays a role. There is regular contact in the field of education and research between the authorities that are responsible in this field (these include the *Fryske Akademy*, the Joint Centre for Educational Counselling (GCO) in the province of Fryslân, the *Ostfriesische Landschaft* and the *Nordfriisk Instituut*).

10.10. In addition, there is a *Fryske Rie*, which was established in 1956. The aim of the *Fryske Rie* is to promote social and cultural contact between the Frisians in Fryslân, East-Friesland and North-Friesland. Until 1996 the *Fryske Rie* received a small subsidy both from the central government and from the province of Fryslân

⁵⁶ It is in principle possible for treaties or agreements in the field of culture and/or education to be concluded between the Kingdom of the Netherlands and a state in Germany. The following examples may be given: the Agreement between the Netherlands and Lower Saxony on cooperation in the field of education and science, of 7 April 1997 (Press release 97/55 of the Ministry of Education, Culture and Science; has not yet been published in the Dutch Treaty Series); the Treaty between the Netherlands and Bremen regarding cooperation between the colleges of higher vocational education of the Netherlands with the *Fachhochschulen* of the Hanseatic League City of Bremen, of 8 May 1995 (Dutch Treaty Series 1995, 146); the Agreement between the Netherlands and the state of North Rhine-Westphalia regarding cooperation between the colleges of higher vocational education of the Netherlands with the *Fachhochschulen* of North Rhine-Westphalia, of 9 September 1992 (Dutch Treaty Series 1992, 179); and, in a field other than education and culture, the Agreement between the Netherlands and the state of Lower Saxony regarding the River Vecht and some of its branches, of 4 April 1974 (Dutch Treaty Series 1974, 62).

in order to promote these contacts by means of exchanges and - once every three years - the holding of a Pan-Frisian Conference. The 1995-1998 Policy Document on Welfare issued by the Ministry of Health, Welfare and Sport no longer designated the *Fryske Rie* as belonging to the “national infrastructure eligible for subsidy”. This signified the end of the national subsidy for the activities of the *Fryske Rie*. At present the *Fryske Rie* receives subsidy only from the province of Fryslân.

Article 14, paragraph (b): international exchange and cooperation

10.11. When accepting the Charter the Netherlands undertook “for the benefit of [Frisian], to facilitate and/or promote cooperation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form”.

10.12. Ways and instruments that can facilitate such contacts for the benefit of the Frisian language are sought in the Netherlands above all in the context of international cultural policy. These measures have been discussed in the report in relation to Article 12, paragraph 3. One of the instruments for this purpose is the inclusion of a structural mention of the Frisian language and culture in the section on ‘mutual languages and cultures’ in bilateral agreements with other countries, as referred to above in section 8.47.

10.13. Regional or local authorities in the province of Fryslân are entirely free to enter into twinning arrangements with municipalities or regions where the local language and culture plays an important role in social and cultural life, just as in the province of Fryslân.

10.14. *In summary*, it may be concluded that the policy of the Netherlands as referred to in Article 14 of the Charter is developed in consultation with the province of Fryslân as part of the consultation under the Administrative Agreement on the Frisian language and culture. The 1993 Administrative Agreement does not designate the contacts between the Frisian language areas in the Netherlands and Germany as a matter requiring special attention.

ANNEXES

The following annexes provide an overview of:

- (1) the main statutory and other government measures taken for the benefit of the Frisian language;
- (2) the main positions taken by the Government on the Frisian language;
- (3) the reports and policy papers that have played an important role in the formulation of policy on the Frisian language and culture;
- (4) European and international conventions relevant to the Frisian language and culture.

Annexe 1 consists of an overview of the main statutory measures (procedural and substantive) affecting the position of Frisian. This annexe also mentions a few ordinances of lower-tier authorities, such as the Frisian Spelling Order of 1969 and the provincial ordinances on the written use of the Frisian and Dutch languages by administrative authorities of the province (1985). Acts approving international or European conventions relevant to the Frisian language are listed in annexe 4.

Annexe 2 provides an overview of the main positions taken by the Dutch Government in relation to the Frisian language.

Annexe 3 lists the reports that have been drawn up by the Minister(s) or State Secretary responsible for the policy field concerned. In addition, the annexe mentions a number of provincial policy documents and reports in so far as they relate to subjects of relevance in the context of the Charter, namely:

- the reports of working groups established by the province of Fryslân in the administrative and judicial/legal fields;
- a policy framework document on the Frisian language as adopted by the Provincial Council in 1991.

Annexe 4 provides an overview of a number of international and European conventions of importance to the Frisian language and culture that have been signed and/or ratified by the Netherlands.

Annexe 1

Statutory and other government measures relating to the Frisian language

1937	education	amendment to Primary Education Act 1920 (Bulletin of Acts and Orders 1937, 323) <ul style="list-style-type: none">• Frisian is permitted as an optional subject in primary education under the classification of vernacular language (Frisian was not yet explicitly mentioned in the Act)
1948	education	amendment to the Secondary Education Act (Bulletin of Acts and Orders 1948, 127) <ul style="list-style-type: none">• secondary schools given the opportunity, after obtaining the consent of the Minister, to provide tuition in subjects other than those listed in the Act (Frisian was not yet explicitly mentioned in the Act)• in 1948 the Minister of Education provided financial support for Frisian as an optional subject at secondary schools
1952	education	Royal Decree to amend the University Statute (Bulletin of Acts and Orders 1952, 635) <ul style="list-style-type: none">• Frisian could be chosen as a main subject in higher education (introduction of the 'doctoraal' (first degree) examination in Frisian)
1955	education	amendment to the Primary Education Act 1920 (Bulletin of Acts and Orders 1955, 225) <ul style="list-style-type: none">• Frisian was explicitly mentioned as an optional subject in primary education• Frisian was also permitted as medium of instruction in the first forms of primary school
1956	judicial/legal matters	Act containing rules governing the use of the Frisian language, particularly in legal matters (Bulletin of Acts and Orders 1956, 242) <ul style="list-style-type: none">• under this Act the use of Frisian in oral dealings with the judicial authorities in the province of Fryslân was permitted.
1967	education	amendment to the Secondary Education Act 1963 (Bulletin of Acts and Orders 1967, 386) <ul style="list-style-type: none">• Frisian allowed as an optional subject in secondary education from 1968 onwards;• in the first form of secondary schools the subject of Frisian could be included within the number of hours' education permitted by law
1969	general	order of the Provincial Council of Fryslân adopting the official spelling of the Frisian language (Provincial Bulletin 1969, 116) <ul style="list-style-type: none">• the power to determine the official spelling of the Frisian language was vested in the Provincial Council
1970	education	Royal Decree regulating the leaving examinations in pre-university education (VWO), senior general secondary education (HAVO) and junior general secondary education (MAVO) (Bulletin of Acts and Orders 1970, 151)

		<ul style="list-style-type: none"> • Frisian permitted as an optional leaving examination subject for the higher classes of secondary education (VWO, HAVO and MAVO schools).
1972	culture	<p>establishment of central government grant for the Frisian language and culture (Proceedings II, 1972, p. 127)</p> <ul style="list-style-type: none"> • amount of the grant fixed annually in the budget
1974	education	<p>amendment to the Primary Education Act (Bulletin of Acts and Orders 1974, 271)</p> <ul style="list-style-type: none"> • Frisian taught as an ordinary subject in all primary schools in the province of Fryslân from 1980 onwards (Provincial Executive of Fryslân given the power to grant exemptions) • Frisian permitted as medium of instruction in all classes of primary education
1982	education	<p>Interim Act on special education and special secondary education (ISOVSO) (Bulletin of Acts and Orders 1982, 730)</p> <ul style="list-style-type: none"> • Frisian permitted as language of instruction in special and special secondary education
1984	administrative matters	<p>Local Government Boundary Reform (General Regulations) Act (Bulletin of Acts and Orders 1984, 475)</p> <ul style="list-style-type: none"> • the council of a newly formed municipality can alter the name fixed in an order redrawing the boundaries (this created the possibility of adopting the Frisian name as the official name, even though the Frisian language was not explicitly mentioned in the Act).
1985	administrative matters	<p>provincial ordinance governing the written use of the Frisian and Dutch languages by administrative bodies of the province of Fryslân (Provincial Bulletin 1985, 82)</p>
1988	education	<p>amendment to ISOVSO of 1982 (Bulletin of Acts and Orders 1988, 559)</p> <ul style="list-style-type: none"> • Frisian language and culture to be a compulsory subject in schools for special education and special secondary education • Frisian allowed as a subject in schools for special secondary education
1989	administrative matters	<p>Franchise Order containing regulations implementing the Franchise Act (Bulletin of Acts and Orders 1989, 471)</p> <ul style="list-style-type: none"> • the notes on the lists of candidates for election to the Provincial Executive of Fryslân and of municipal councils in this province could be in Frisian
1992	administrative matters	<p>new Municipalities Act (Bulletin of Acts and Orders 1992, 96)</p> <ul style="list-style-type: none"> • municipalities authorised from 1994 onwards to adopt the name of the municipality (as a result, the names could be adopted in Frisian or in both Frisian and Dutch)
1992	education	<p>amendment to the Secondary Education Act (Bulletin of Acts and Orders 1992, 270)</p> <ul style="list-style-type: none"> • Frisian becomes an ordinary subject in basic education at all

secondary schools in the province of Fryslân from 1/8/1993 onwards (Education Inspectorate given the power to grant exemptions)

1992	media	amendment to the Media Order (Bulletin of Acts and Orders 1992, 334) <ul style="list-style-type: none">• Order in Council fixing the minimum percentage of Dutch-language and Frisian-language programmes for commercial television channels
1992	administrative matters	new Provinces Act (Bulletin of Acts and Orders 1992, 550) <ul style="list-style-type: none">• provinces authorised from 1994 onwards to adopt the name of the province (under the new Provinces Act the name of Friesland was officially changed to Fryslân on 1/1/1997)
1993	education	Primary Education Key Objectives Order (Bulletin of Acts and Orders 1993, 264) <ul style="list-style-type: none">• Order in Council adopting key objectives for all subjects in primary education• also key objectives adopted for the subject of Frisian
1995	administrative matters	amendment to the General Administrative Law Act (Bulletin of Acts and Orders 1995, 302) <ul style="list-style-type: none">• contains rules governing the use of Dutch and Frisian in administrative matters
1995	media	amendment to the Media Act (Bulletin of Acts and Orders 1995, 320) <ul style="list-style-type: none">• regulates the minimum percentage of Dutch-language and Frisian-language programmes for broadcasting organisations that have been allocated broadcasting time on a public television channel
1995	judicial/legal matters	Act governing the use of Frisian in legal matters (amendment to the Act of 1956) (Bulletin of Acts and Orders 1995, 440) <ul style="list-style-type: none">• Act increasing the scope for using Frisian in oral dealings with judicial authorities in the province of Fryslân• also the written use of Frisian permitted in legal matters
1996	legal matters/ administrative matters	amendment to the 1994 Civil Registry Decree (Bulletin of Acts and Orders 1996, 445) <ul style="list-style-type: none">• certificates births, deaths and marriages drawn up as bilingual documents (Dutch and Frisian) in the province of Fryslân

Annexe 2

Positions of the Dutch Government on the Frisian language

1953	administrative matters judicial/legal matters	Government position of 1953 on the report of the Kingma-Boltjes Committee on the Frisian question (Annexes to Proceedings II, 1953-1954, 3553, no. 2)
1970	general	Government position of 1970 on the report of the Van Ommen Committee on Frisian-language policy (Annexes to Proceedings II, 1969-1970, 10728, no. 1)
1989	general	1989 Administrative Agreement on the Frisian language and culture (Government Gazette 1989, 133) <ul style="list-style-type: none">• contains agreements between the central government and the province of Fryslân on the policy with regard to Frisian
1993	general	1989 Administrative Agreement on the Frisian language and culture (Government Gazette 1993, 237) <ul style="list-style-type: none">• contains renewed agreements

Annexe 3

Reports and policy documents on the Frisian language

1953	administrative matters/ judicial/legal matters	Report of the Committee on the use of the Frisian language in legal matters, established by the Minister of the Interior and the Minister of Justice (Kingma-Boltjes Committee Report)
1970	general	Report of the Committee on Frisian Language Policy, established by the Minister of Culture, Recreation and Social Works (Van Ommen Committee Report)
1972	judicial/legal matters	Report of J.J. Woltman, vice-president of the Leeuwarden Court of Appeal regarding the application of the Act of 11 May 1956. Report commissioned by the Minister of Justice. (Woltman Report)
1975	education	Report of the project group for the introduction of Frisian as a compulsory subject for ordinary primary schools in the province of Fryslân, established by the Minister of Education and Science (Sinnema Committee Report)
1978	administrative matters/ judicial/legal matters	Interim report of the provincial working party on the use of Frisian in official matters, established by the Provincial Executive of Fryslân
1981	education	Final report of the committee on the use of Frisian in special education, commissioned by the State Secretary for Education and Science
1982	education	Final report of the committee on the use of Frisian in secondary education, commissioned by the State Secretary for Education and Science
1982	administrative matters	Report of the provincial working party on single-language (Frisian) place-names, street names and names of municipalities and the province
1983	administrative matters/ judicial/legal matters	Final report of the provincial working party on the use of Frisian in official matters, entitled ' <i>Fan geunst nei rjocht</i> ' (From favour to right)
1985	administrative matters	Report on Frisian in administrative matters (report of the Frisian Language Committee, established by the Minister of the Interior and the Minister of Justice)
1991	general	<i>Ramtnota Taalbelied</i> , language policy document adopted by the Provincial Executive of Fryslân <ul style="list-style-type: none">• policy document provides a basis for an integral language policy of the province of Fryslân
1992	judicial/legal matters	Report on the use of Frisian in legal matters (advisory report of the Frisian Language Committee, commissioned by the Minister of Justice and the State Secretary for the Interior)

Annexe 4

European and international conventions relevant to the Frisian language and culture

1950	general	Signature by the Netherlands of the European Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Rome in 1950 (Dutch Treaty Series 1951, 154) <ul style="list-style-type: none">• contains a provision prohibiting discrimination on the basis of language
1954	general	Act approving for the Netherlands the European Convention for the Protection of Human Rights and Fundamental Freedoms <ul style="list-style-type: none">• instrument of ratification, 31 August 1954 (cf. Dutch Treaty Series 1954, 151)
1978	general	Act approving for the Netherlands the International Covenant on Civil and Political Rights, concluded in New York in 1966 (Bulletin of Acts and Orders 1978, 624) <ul style="list-style-type: none">• instrument of ratification, 11 December 1978 (cf. Dutch Treaty Series 1978, 177)
1992	general	Signature by the Netherlands of the European Charter for Regional or Minority Languages, concluded at Strasbourg in 1992 (Dutch Treaty Series 1993, nos. 1 and 199)
1995	general	Signature by the Netherlands of the European Framework Convention for the protection of national minorities (Dutch Treaty Series 1995, nos. 73 and 197)
1996	general	Act approving for the Netherlands the European Charter for Regional or Minority Languages, concluded at Strasbourg in 1992 (Bulletin of Acts and Orders 1996, 136) <ul style="list-style-type: none">• the Netherlands undertakes to be bound by 48 provisions of Part III of the Charter regarding the Frisian language in the province of Fryslân• instrument of acceptance, 2 May 1996 (cf. Dutch Treaty Series 1998, 20)