



EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

# INTERNATIONAL CONFERENCE ON THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

REGIONAL OR MINORITY LANGUAGES, No. 1

—50—



COUNCIL OF EUROPE  
CONSEIL DE L'EUROPE

INTERNATIONAL CONFERENCE  
ON THE EUROPEAN CHARTER  
FOR REGIONAL OR MINORITY LANGUAGES

Conference organised  
by the Directorate of Environment and Local Authorities  
of the Council of Europe

Strasbourg (France), 26-27 March 1998

REGIONAL OR MINORITY LANGUAGES, NO. 1

Council of Europe Publishing

French edition

*Conférence internationale sur la Charte européenne des langues régionales ou minoritaires*

ISBN 92-871-3774-9

Council of Europe Publishing  
F-67075 Strasbourg Cedex

ISBN 92-871-3775-7  
© Council of Europe, November 1998  
Printed in Germany



## CONTENTS

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>5</b>
<b>II.</b>	<b>REPORTS</b>	
	<b>Opening address</b>	
	Mr Hans Christian Krüger, Deputy Secretary General, Council of Europe, Strasbourg, France .....	7
	<b>Presentation of the European Charter for Regional or Minority Languages</b>	
	Mr Philip Blair, Deputy Director, Private Office of the Secretary General, Council of Europe, Strasbourg, France.....	12
	<b>Regional or minority languages and education problems</b>	
	Mr Romedi Arquint, Member of Parliament of the Canton of Grisons, Switzerland.....	18
	<b>Problems raised by the use of regional or minority languages before public and judicial authorities</b>	
	Mr Jean-Marie Woehrling, President of the Administrative Court, Strasbourg, France .....	24
	<b>Mass media, cultural activities and regional or minority languages</b>	
	Ms Elin Haf Gruffydd Jones, Manager, Mercator Media, United Kingdom .....	34
	<b>The use of regional or minority languages in social and economic life</b>	
	Ms Carmen Garmendia Lasa, Minister for Culture in the Basque Government, Spain .....	41
<b>III.</b>	<b>CONCLUSIONS</b>	
	Mr Ferdinando Albanese Director of Environment and Local Authorities, Council of Europe, Strasbourg, France.....	49
<b>IV.</b>	<b>PROGRAMME OF THE CONFERENCE .....</b>	<b>53</b>
<b>V.</b>	<b>LIST OF PARTICIPANTS .....</b>	<b>55</b>



## I. INTRODUCTION

This international conference was organised to mark the entry into force of the European Charter for Regional or Minority Languages on 1 March 1998. Seven states had ratified the charter at the time (Croatia, Finland, Hungary, Liechtenstein, the Netherlands, Norway and Switzerland), and the conference took place against a background of a growing interest in the protection and promotion of regional and/or minority languages in Europe.

The purpose of the conference was to review the implementation of the charter in the seven countries which had ratified it, discuss any problems that had arisen since ratification and carry out an exchange of views on the situation in the other states.

The conference was opened by Mr Hans Christian Krüger, Deputy Secretary General of the Council of Europe. The Charter itself was then presented by Mr Philip Blair, Deputy Director of the Private Office of the Secretary General.

Four issues were presented by specific rapporteurs:

- regional or minority languages and education problems;
- problems raised by the use of regional or minority languages in relations with administrative and judicial authorities;
- mass media, cultural activities and regional or minority languages;
- the use of regional or minority languages in social and economic life.

Seventy-five participants attended the conference, including delegates from governments of the member states of the Council of Europe, representatives of minority associations, other experts on the subject and finally members of the Working Group on Minorities of the Congress of Local and Regional Authorities of Europe. Their involvement contributed to making the discussions both lively and fruitful.

It is the hope of the Council of Europe that this conference has constituted a milestone in the protection and promotion of this important element of Europe's cultural heritage.



## **II. REPORTS**

### **Opening address**

**Mr Hans Christian Krüger**  
**Deputy Secretary General**  
**Council of Europe**  
**Strasbourg, France**

May I welcome you all to this conference which has been organised to mark the entry into force of the European Charter for Regional or Minority Languages.

I regard this conference as, first of all, an occasion for celebration: rather immodestly, I submit to you that the entry into force of the charter at the beginning of this month is a major achievement for the Council of Europe. In fact the first part of 1998 has seen two important developments for the protection of minorities and their languages in Europe. The Charter for Regional or Minority Languages took effect on 1 March and exactly one month earlier, the Framework Convention for the Protection of National Minorities came into force. So the Council of Europe now has two closely related legal instruments by which the contracting states freely undertake to submit their treatment of the minorities on their territory to international scrutiny. This is, I think, unparalleled.

The entry into force of the charter is also an occasion for congratulation. Many people have contributed to the success of this enterprise. First of all, I would like to congratulate the Congress of Local and Regional Authorities on taking the initiative to propose a charter for regional or minority languages back in the 1980s. Not for the first time, such an initiative from the Congress was dismissed by sceptics as pie in the sky; and not for the first time, the sceptics were proved wrong. The Congress was, perhaps, just ahead of its time.

Secondly, I would like to express my admiration for the intergovernmental committee, which drafted the charter under the able chairmanship of Mr Sigve Gramstad of Norway. Theirs was no easy task, given both the great disparity in the objective and legal situation of regional and minority languages in our member states and the widely differing conceptions among governments. Their competence and their persistence in finding viable solutions made it possible for the Committee of Ministers to adopt the charter in November 1992.

Thirdly, let me express my appreciation to the Parliamentary Assembly, which, though not itself at the origin of the charter, quickly realised its importance and supported its adoption. Above all, in recent years it has recognised that the charter is a vital instrument for imposing European standards in central and eastern Europe: thus it has resolutely insisted on accession to the charter, together with the Framework Convention for the Protection of National Minorities, as a condition to be fulfilled by new member states of the Council of Europe.

Fourthly, I would like to congratulate those member states, which have led the way and already ratified the charter. I know well that this is not necessarily a simple matter. It involves, for each and every minority language, a scrutiny of the provisions of Part III of the charter to see which can realistically be applied. And it involves also a willingness to “take the plunge”, knowing that the objectives enshrined in the charter are in fact owed by our societies to those who speak a regional or minority language. I sincerely hope that other governments represented here today will quickly follow the example of the first seven.

Let me also single out the Finnish Government, which was not only one of the first to ratify the charter but also made available the necessary funds to finance today’s conference. Our sincere thanks for this generosity and for your commitment to the cause of the charter.

And last but not least, I want to break with our normal habits and – since he is leaving us – congratulate a colleague who has maybe done more than anyone else to bring this enterprise to fruition: I refer of course to the Director of Environment and Local Authorities, Mr Ferdinando Albanese. Without his determination and the outstanding legal skill with which he guided the deliberations, I do not know if we would have succeeded in producing a text, which was both so substantial and yet still acceptable to the governments of member states. And even after he was deprived of staff support for this purpose within his own Directorate, his enthusiasm for promoting the charter did not diminish. So I am pleased to be able to pay tribute publicly here to Mr Albanese.

So much for celebration. Let us now look to the future. I see this conference as having two important functions. First, it is an occasion to review the experience gained so far by the seven countries, which have already ratified the charter. And secondly, it enables us to examine together the problems encountered or anticipated by other countries, which have been considering the possibility of acceding to this new European convention, and to see how such problems may be overcome. As the programme shows, you will have ample opportunity to do this with the help of experts in the field, who will comment on the individual spheres of application of the charter: education, public authorities and courts, the media and cultural facilities, and economic and social life.

For my part, I will confine myself to attempting to place this new convention of the Council of Europe in its wider context.

It is only a few years – not yet a decade – since the collapse of the totalitarian regimes in central and eastern Europe. In that brief space of time the face of our continent has been changed beyond recognition. Immense political and economic progress has been made in the countries freed from the communist yoke, even though much still remains to be done.

The Council of Europe is proud to have played its part in supporting the transition to pluralist democracy, the rule of law and respect for universal human rights. It has also enthusiastically welcomed the new democracies into the fold as member states taking part in European co-operation on an equal footing.

One of the effects of the transformation in central and eastern Europe has been to bring to the fore a whole range of burning minority problems which had remained hidden or repressed for decades. Some of these problems represent an enormous potential for instability in Europe. Indeed, in some places, as we are all too sadly aware, they have led to open conflict. This has brought immense suffering for large numbers of people in Bosnia, in Croatia, and now in Kosovo. But from a European viewpoint too, it is alarming. For it implies that the ethnically homogeneous nation-state is to be regarded as the norm. Yet in fact scarcely a single European country is ethnically homogeneous.

The need to take action thus became obvious to all. The issue of national minorities moved to the top of the agenda, at the Council of Europe and elsewhere. At Vienna in 1993, a summit meeting of the heads of state and government of our member states adopted an ambitious programme of action to deal with the problem of minorities on a variety of fronts, legal, political and educational. Since then, we have been busy implementing this programme.

The most prominent result of these efforts is the Framework Convention for the Protection of National Minorities, which is no doubt familiar to you all. This convention, conceived with countries in mind most of which have no problem at least with the *concept* of minorities, is quite different from the European Charter for Regional or Minority Languages. For the charter was conceived at a time when the problem of minorities was not on everybody's lips: far from it. The opening up of central and eastern Europe was yet to come. The charter was therefore tailored to fit the old members of the Council of Europe, some of which were not at all positive to the concept of minorities. Consequently, the charter concentrates on the problem of languages, and the Preamble makes it clear that the overriding purpose is cultural. The aim is to preserve regional or minority languages as a threatened element of Europe's cultural heritage. This is linked to the idea of a multicultural Europe, where the diversity of culture, languages and traditions forms the wealth, in cultural terms, of the continent.

What is interesting in these circumstances is that after 1989, the charter was soon recognised to be very relevant also to the situation of the emerging democracies of central and eastern Europe. Indeed some of them took part in the later stages of the drafting. And I have already referred to the crucial role of the Parliamentary Assembly in this respect.

As you know, the framework convention is a good deal wider in scope than the charter, as it deals also with political, religious and civil rights aspects of the protection of minorities. On the other hand, as far as *languages* are concerned, the charter covers a wider range of situations than the framework convention: it deals not only with the languages of national minorities but also with situations where the minority cannot be qualified as “national” or the language has only a “regional” character. The objective definition of regional or minority languages given in Article 1 of the charter means that it is not possible for a government to refuse to accede to it on the ground that there are no minorities in the state.

There are of course other differences between the two conventions, which I will not go into here. The important thing, I think, is that there are no incompatibilities between the two texts. In fact they complement each other. So far as national minorities are concerned, the charter gives more concrete expression to the programmatic provisions of the framework convention: it provides an instrument for the implementation of those articles of the framework convention that relate to the use of minority languages. The message is clear: accession to the framework convention is important, but it is not an alternative to accession to the language charter.

Legal standard setting needs to be backed up by arrangements to monitor the implementation of the standards. This is the case with both the framework convention and the charter. But even then, legal provisions in this field are unlikely to be successful if they are not accompanied by changes in the mentality of those concerned.

The Vienna Summit of 1993 therefore launched another initiative not related to standards at all: a programme of so-called confidence-building measures aimed at increasing tolerance and understanding between peoples. This programme has now been running for some time and supports projects carried out at the grass roots within civil society in areas of potential conflict between different communities. These projects are designed to diminish tensions and increase trust and solidarity through the experience of working together. At the same time, the Council of Europe has been promoting co-operation between government offices for national minorities. It is encouraging that, by and large, such activities have met with a positive reaction from governments of member states themselves. The Strasbourg Summit last October in fact called for further action to supplement our standard setting with practical measures.

This is an indication that we must take an integrated approach. Indeed the whole problem of minorities is so complex that it can only be tackled by a combination of initiatives at different levels: legal, political, educational, social, etc.. We are trying to respond to this challenge. The underlying goal is the construction of a Europe based on the principles of pluralism and cultural diversity.

And here the European Charter for Regional or Minority Languages is an excellent foundation. It stresses that the traditions of individual states, as well as their sovereignty and territorial integrity, must be fully respected. But within that necessary framework it opens up attractive prospects for a society based on tolerance, mutual respect and interculturalism, in which all can feel at home. It is worth re-emphasising those simple values in a Europe in which they are, sadly, under attack from various quarters. And it is also worth signing up to the charter as a commitment to promote them.

I wish you a very successful conference.

## **Presentation of the European Charter for Regional or Minority Languages**

**Mr Philip Blair**  
**Deputy Director of the Private Office of the Secretary General**  
**Council of Europe**  
**Strasbourg, France**

Ladies and Gentlemen,

I would like to try to set the ball rolling this morning by raising three questions. First of all, what is special about the European Charter for Regional or Minority Languages? Secondly, why is ratification taking so long in many countries? And thirdly, of course, why is it important for all the member states concerned – and, as the Deputy Secretary General pointed out, almost all our member states *are* concerned – to press on with ratification as soon as possible?

What is special about the charter? Mr Krüger has already spoken about this, and I will add only a few considerations of my own.

First of all, the charter takes very full account of the situation of regional or minority languages. Many of these languages – not all, of course – are in a more or less precarious situation, for demographic reasons, but also because of the levelling effect of modern society, and in particular the mass media, and of course often because of their disadvantageous legal status in the state concerned. The need for protection is great.

The charter therefore aims, in the first instance, to protect regional and minority languages against discriminatory treatment. But at the same time it was recognised that a mere absence of discrimination is not enough to protect languages that are in a weak position. So the main purpose was to devise positive measures to promote regional or minority languages.

This brings us to another special characteristic of the charter: it is not only of a programmatic nature but provides for concrete measures of support. Certainly, Part II lays down general objectives and principles upon which the parties are required to base their legislation and practice. But Part III goes much further. It transforms these general principles into practical measures, which the parties must undertake to implement.

This was no easy task. Bear in mind the vastly different demographic situation of the various linguistic groups in Europe. Some number over a million people, others only a few thousand. Some have a relatively compact and homogeneous area of settlement, others are fragmented or dispersed. Some can benefit from the fact that their language is the dominant one in a neighbouring state, whereas other regional languages are not anywhere the language of the majority. In such widely different situations, it would be quite inappropriate to prescribe identical treatment.

As you all know, this is the reason for the so-called *à la carte* character of Part III of the charter. Each contracting party may choose which provisions it undertakes to apply to each of its minority languages, provided it accepts a minimum of thirty-five paragraphs. And many provisions contain various options from which the parties must choose in respect of the language in question.

Some people have criticised this high degree of flexibility. They find it anomalous that the different Contracting parties should not have the same specific undertakings under the charter. My reply to them is that to treat different objective situations as if they were the same would be just as much a form of discrimination as if we were to treat identical situations differently. So there was no alternative to this flexibility. Or rather, the only alternative would have been to reduce the charter's provisions to a lowest common denominator of general principles, which would have been of no value whatever to many language groups.

In any case, the states are not left to choose arbitrarily. As is specified in most of the articles of Part III, they must select the provisions "according to the situation of each language". This is, in my view, a crucial phrase in the charter, and one which must inevitably play an important part in its implementation. For if the primary aim of the charter is to promote regional or minority languages, the measures adopted must be those which are best adapted to the objective needs and possibilities of each language situation. What does that mean in practice? In the absence of other relevant factors, it means quite simply this: the larger the number of speakers of a regional or minority language and the more homogeneous the regional population, the stronger the option which should be adopted. A weaker alternative should be adopted only when the stronger option cannot reasonably be applied owing to the situation of the language in question.

So those are some of the characteristics that make the charter rather special: it is designed not only to protect but to promote; it contains not only general principles but concrete measures; and it is flexible enough to take account of the particular situation of each language.

Now to the second question I asked at the beginning: why is ratification taking so long in many countries?

Of course, that is a question which most of you are better qualified to answer than I am, and I look forward to hearing what you have to say. I will simply refer to three categories of reasons for delay.

The first category I will call “politico-definitional”. Sometimes the delay may be due to disputes about what is a separate language or even – I have been told – the “discovery” of an additional language rather late in the day. In another case there may be disagreement as to the parts of the country in which a language is traditionally spoken. In yet another instance there may be – in my view quite unjustified – reservations about putting a less widely used official language in the same basket as regional or minority languages, even though that is specifically provided for in Article 3, paragraph 1). Or again, the status of non-territorial languages may be politically controversial. I will not go into the problem of countries which have put stones in their own path, for example by changing the constitution in an unfortunate direction. All these problems have to be resolved through the political process in each country, although Council of Europe experts are sometimes able to give underlying technical advice.

Secondly, the *à la carte* character of Part III of the charter means that ratification can indeed be complicated. For the same language, in the same country, but in different regions, different levels of protection may have to be adopted, because the numbers and the degree of concentration of the minority differ. The choice must be well made from the start, and it is understandable if it takes some time. It no doubt requires negotiation over concrete questions of implementation. Such negotiation may be laborious. But in some cases it may be a great step forward if negotiation can focus on concrete issues rather than on vague or unrealistic general demands. In any case, later adjustment is possible. As the situation of a regional or minority language may evolve over time, so also may – indeed should – states adapt and develop the measures applied to that language accordingly. Article 3, paragraph 2 of the charter explicitly provides for this.

Thirdly, there is the question of costs. Even where there is agreement on what measures are appropriate for each language under the charter, the question remains, especially in the current situation of budgetary constraints, as to how they are to be financed. I do not want to play down this aspect. But I think it can also be overstated. For example, it is sometimes suggested that giving users of regional or minority languages the possibility to apply to administrative authorities in their own language would require a vast and expensive programme of training for all those who work in these authorities. Of course, that might be the ideal solution. But in some cases much more modest solutions are conceivable.

The important thing is that someone in the office concerned should be available to communicate with members of the public in the regional or minority language. And that can be arranged by specifying knowledge of the language in the requirements for the post. In some places, it would be enough to abandon the outmoded policy of automatically sending public officials to a serve in a different part of the country: this would ensure an adequate supply of native speakers of the regional language.

Here too, we should note that the charter takes account of the problem of costs: the explanatory report explicitly refers to the possibility for states to add to their commitments at a later stage, as their financial circumstances allow.

On these various categories of questions, I think we could all benefit from the experience of those countries which have already managed to ratify the charter and so to overcome the difficulties I have referred to. One government at least, as I have been told, has actually commissioned an independent expert to report on the extent to which current law and practice corresponds to its undertakings under the charter. That is an excellent initiative on the part of the Netherlands Government, which others might like to follow.

And I hope you will take the opportunity today and tomorrow to discuss the difficulties that other countries have run up against and to see how they might be overcome.

And that brings me to the last of my initial questions: why is it important to press on with ratification as soon as possible?

First of all, the charter is now part of the corpus of European standards. For some of the newer member states, the Parliamentary Assembly text recommending their admission to the Council of Europe contains the explicit requirement that they should ratify the charter. But the older member states also have much to gain from a clear commitment to such standards. For that can confer credibility and authority on national policy and practice. As for those governments which consider that they already provide sufficient protection to their regional or minority languages without needing the charter to help them, they should be swayed by considerations of European solidarity on a matter which so clearly reflects the basic values of the Council of Europe.

For in essence, the charter is the solemn expression of the need for the majority population to recognise the dignity of regional or minority languages. Too often, we have seen the phenomena of intolerance based on a superiority complex of the majority or sometimes on an inferiority complex of the majority. Both are equally dangerous. By stating the legitimacy of speaking a regional or minority language, by qualifying these languages as an expression of cultural wealth, and by indicating that the future of Europe lies in respect for the values of interculturalism and multilingualism, the charter in effect recognises the equal dignity of all Europeans.

Secondly, the mechanism for monitoring the implementation of the charter is at present being put into place for those states which have already ratified it. The Contracting parties are required to submit to the Secretary General within one year the first periodical report on the policies they are pursuing and the measures they have adopted to apply the provisions of the charter. These reports will be made public. They will then be examined by a committee of experts, which will draft a report to the Committee of Ministers, so that it can make any necessary recommendations to the governments concerned.

The Committee of Ministers will soon appoint the members of the committee of experts from the lists of candidates proposed by the Contracting parties. It will also prescribe the form to be taken by the periodical reports which the parties must make to the Secretary General.

I think it is in the interests of the balanced and effective application of the charter that its monitoring committee should be as broadly based as possible from the start. And I think it is also in the interests of each state. Of course the members of the committee of experts are to be appointed on the basis of their high integrity and personal competence and not in any sense as representatives of their governments. But their presence should enable the committee of experts, from the start, to take into account the particularities of as many national situations as possible.

At the same time, the control mechanism for the Framework Convention for the Protection of National Minorities is being established. These two mechanisms are of course independent of each other, and the membership of each will depend on which states accede to each instrument. Nevertheless, the interests of the two bodies will inevitably overlap in so far as minority languages are concerned. It will therefore be necessary to ensure sufficient mutual information and consultation to avoid the risk of diverging positions.

Finally, although this whole area is politically delicate, there is nothing in the charter for governments to be afraid of. The whole spirit of the charter is one of increasing contacts and understanding between the speakers of majority and minority languages. It is certainly not an encouragement for an inward-looking approach on the part of speakers of regional or minority languages, or for a refusal of integration into the state. On the contrary, it is to be seen in the context of an intercultural, open-minded approach for Europe as a whole, which rejects nationalist narrow-mindedness (whether it be among minority groups or at the level of the state).

To governments that may still be hesitating to accede to the charter, let me say this. The European Charter for Regional or Minority Languages does not concern some of the very difficult issues relating to minorities. It does not deal with the issue of special rights – let alone collective rights – for minority groups, it does not concern political rights, it does not concern the issue of autonomy. Indeed, strictly speaking it does not deal at all with minorities as such. That should make it easier to accept.

On the other hand, on linguistic issues the charter is more specific than the Framework Convention for the Protection of National Minorities. And, at least with respect to the stronger options it contains, it is more demanding than the framework convention. It requires practical measures which are, to my mind, a fair test of the genuineness of the goodwill professed by a government on the need to protect and promote regional and minority languages.

So let me end with an appeal to all the member states to push ahead with the ratification of this text which most of them took part in adopting five years ago in the Committee of Ministers. If applied by all states in Europe in good faith, the charter can contribute greatly to the development of mutual respect and understanding between majority populations and less dominant linguistic groups. It can thus be a factor of peace, stability and, yes, also of justice in Europe. There is much at stake.

## **Regional or minority languages and education problems**

**Mr Romedi Arquint**

**Member of Parliament of the Canton of Grisons, Switzerland**

After two introductory remarks on the nature of the European Charter for Regional or Minority Languages, I shall consider a few important aspects in the field of education. My third section will deal with applications. Finally, I shall say something about the place of training and education in the debate on Europe.

I. The charter was drawn up before the communist system collapsed. It differs from the Framework Convention for the Protection of National Minorities: it quite naturally updates, although again a little late, the legal instruments which embody some of the significant civic advances achieved in Europe.

Recognition of the individual's rights marks one historic step in this direction. Maintaining and developing diversity of languages and civilisations is vital as well, since this diversity is inextricably a part of our European cultural heritage.

The charter refers to and adapts this European perspective. It lays down obligations, but their mandatory nature is mitigated by the very flexible wording of the text and by the considerable freedom it leaves states concerning choice of languages and things to be done. It is in no sense based on rights which are enforceable in law.

It is the spirit, not the letter, of the text which gives the charter its force, and it achieves its aim when states apply it in that spirit.

The charter is based on four fundamental principles:

1. Languages vary so greatly in their situations that they cannot be measured by the same yardstick.
2. The charter reflects the Council of Europe's policy, which is centred on integration, not exclusion.
3. The charter is a dynamic process, not an end result. If anyone claims that the question of minority languages has been permanently settled in their country, then "final solution" is indeed the only term for this.

4. The role played in this process by evaluation and monitoring must not be overlooked: they will stimulate dialogue between states, and between states and the Council of Europe, and will make a wider public aware of the needs of regional and minority languages.

II. In the charter, training and education are one of the main pillars of language policy. This is clear from the fact that three of the nine objectives specified in Article 7, paragraph 1 explicitly concern training and education, i.e.:

“the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;” (Article 7, paragraph 1.f),

“the promotion of study and research” (Article 7, paragraph 1.h)

“the provision of facilities enabling non-speakers (...) living in the area where it is used to learn it.” (Article 7, paragraph 1.g)

Moreover, most of the other principles set out in this article concern education and training directly or indirectly. I should like, if I may, to look at four of them more closely.

a. “The parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective” (Article 7, paragraph 3).

The explicit mention of education and training in this passage is certainly not fortuitous. The alien and different may well spark fear and prejudice, especially when it is unfamiliar. The more aware speakers of the majority language are of their country’s language diversity, and the more freely and fully information on this question circulates, the more easily mutual respect and an active, stimulating tolerance will take root. It is education above all which enables people to develop these qualities. It can institutionalise dialogue and transmit the knowledge which gives people a better understanding of linguistic and cultural diversity, helping them to see it, not as something to be feared, but as something which enriches.

This poses hardly any problems in the case of song, which appeals to the feelings and communicates in ways which transcend language. The situation is more complex with history, since nationalist blinkers often stop people from giving minority languages and cultures their due place in it. The “appropriate measures” referred to in the charter and in other Council of Europe texts and recommendations also – and especially – include at least a passive comprehension of the other group’s language and its being taught as a second language, even when it is spoken only by a minority.

A few examples from my own experience. The obligation of stimulating comprehension between language communities has been written into the Swiss Constitution since 1966. A number of application measures are at present being discussed.

Exchanges between teachers, classes and pupils from primary schools in different language regions are being planned:

- the hermetic barriers between languages are being relaxed with the help of experimental schemes for bilingual education and other immersion methods;
- some communes in the Grisons have chosen Romansch as their second school language, even though less than 1 per cent of the Swiss population speak it and it has no linguistic hinterland;
- in Finland, where 6.28 per cent of the population are of Swedish ethnic origin, the second school language is always the other national language, i.e. Finnish or Swedish, and not English.

b. Article 7, paragraph 1.e and, more specifically, Article 8, paragraph 2 tackle another question. In the spirit of the charter, it seems both logical and necessary to consider any minority or regional language in a global sense. Firstly, it comprises speakers in a definite area, an area which must not be partitioned by “existing or new administrative divisions”. (Article 7, paragraph 1.b). Secondly, since people today are geographically mobile, this community also covers nationals living outside its territory. The two principal Romansch communities, for example, are Zurich and Coire, towns which lie outside the traditional language area, but play an important role in the development of Rhaeto-Romanic. Education policy must take account of these realities (Article 8, paragraph 2).

c. Article 7, paragraph 1.i also underlines the vital importance, for the maintenance of regional and minority languages, of organised transnational exchanges with regions where the same or similar languages are spoken. In the education field, languages spoken by very few people depend on certain basic instruments (dictionaries, teaching aids, etc..), and also on contacts with universities and teaching institutions. Political borders must not divide language regions but must, on the contrary, reinforce solidarity between languages. Most regional languages are spoken in frontier regions; thanks to multilingualism and personal contacts, these regions are admirably suited to serve as transitional “buffer-zones”, softening the blow when languages and cultures collide.

d. Fruitful co-existence of the majority and the minority language can be secured only by working with the latter, not against it. To consolidate healthy relations with civil society, the state must first promote and encourage the establishment of independent, representative structures within the minority language community, recognise them officially – and make sure they can make themselves heard at national level. Finally, democracy and the rule of law require that these communities’ legitimate representatives be listened to and given an effective say in language policy, the aim being to accord them some measure of autonomy.

In this respect, education is one of the more difficult areas – the one where, naturally enough, the sharpest confrontations take place. Experience shows that the best solutions are based on the following principles:

- The more autonomy regional and minority language communities have in education, the smaller the dangers of conflict. This is another area where there are no standard recipes. Some solutions, as in the Åland islands, are based on territory, others, as in Hungary, on personal status, and there are many intermediate solutions, some of them combining both principles.
- The more decisions are delegated to the grass-roots, the more pragmatic the solutions will be, and the less they will be influenced by ideology. There are very interesting links here between our text and the European Charter of Local Self-Government.

Peaceful co-existence within civil society can be achieved only if all the participants are involved in decision-making and can thus assume responsibility for the results. This may be the charter's central element: it is based on dialogue and co-operation between nationals speaking the majority language and nationals speaking the minority language(s), as laid down in Article 7, paragraph 4:

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

III. I now come to practical applications, on which I shall be brief. Article 8 lists all the important areas, from nursery and primary school, through vocational training and secondary education, up to university and adult education.

Here the signatories must themselves prove that their attitudes accord with the spirit of the charter. The possibilities sketched in this article are immensely varied, matching the extreme diversity of minority and regional languages. Thus, taking the example of Slovakia, a solution which works for the German or Ruthenian minority will not necessarily work for the Magyar community. Likewise, the situation of a sedentary ethnic group differs profoundly from that of the Gypsies, a national minority divided between several states. Indeed, different solutions may be needed for one and the same regional or minority language within a given state, depending on whether a majority community residing on its traditional territory, or a minority community living outside it, is involved.

The charter does not, in other words, provide a universal yardstick for all language communities. It contains no list of measures which can simply be ticked off in order. It insists that all educational institutions must provide opportunities to study regional or minority languages, and calls on speakers of those languages to negotiate with policy-makers on all levels. Leaving ideological debate on one side, it also insists that the chosen solutions must be tested, subjected to ongoing evaluation, and adapted in the light of new insights and requirements. It would hardly be an exaggeration to say that the path which leads to concrete solutions is at least as important as the solutions themselves.

Let us come back to the difficult question of basic and permanent training of teachers. We cannot over-emphasise its importance and, if only for vital reasons of policy, states should pay special attention to it.

IV In our industrialised world, education has lost much of its privileged role in transmitting knowledge and socialising the young. Here we may think of the importance of the media, peer groups and international youth culture. None the less, the school still holds the most important key to the child's becoming an adult member of the community. It provides personal, social and cognitive points of reference which are vital to the adolescent's self-fulfilment.

Human beings understand themselves above all through language, and the mother tongue is clearly of the utmost importance. People cannot mature without using their own language to understand themselves and the world around them. This is a fundamental right for everyone, a right laid down in various international texts. There is no reason why it should be granted automatically to speakers of a state's majority language, and withheld from speakers of minority languages – particularly since they also learn the majority language.

This automatic right starts to raise problems if we think of the nation-state ideology's implications. A relatively recent phenomenon in Europe, this ideology sees linguistic unity as vital to the state, and scents danger in people's fulfilling themselves in other languages. In fact, membership of a community which confers a certain identity – an identity linked above all with a definite language and civilisation – is the *sine qua non* of loyal integration within a political community which transcends the ethnic group.

The individual's fundamental right to a personal identity is inseparable from the successful integration of citizens within the constitutional framework, and from intellectual commitment to our European heritage. We must not forget to stress the practical usefulness of multilingualism for future generations. Regional and minority communities have this asset as a matter of course, but it is still too little developed in many majority groups.

I would like to conclude by coming back to Europe. It matters little whether a European language is spoken locally or throughout the world, whether it is the majority or minority language in a state whose frontiers may well have been redrawn by the chances of history: the European Charter for Regional or Minority Languages reminds us that all our languages are part of Europe's cultural heritage. If we want to transmit one vital aspect of our continent to the twenty-first century, then we owe it to our languages to make them live and prosper.

Postman, the American educationalist, laments the fact that narrative is a thing of the past, that all the great stories have been told. I believe that Europe can become such a story, a vision to fire our young people with enthusiasm. In this great European story, we shall have to cut the nation-state concept down to size. In fact, the idea that speaking one language and belonging to one state are necessarily the same thing has been just a passing aberration, a painful hiatus in the very different traditions of a continent which Karen Blixen once called "a promontory with a vast landmass behind it". The great story which Europe can and must tell is the story of diversity – diversity of languages and diversity of civilisations. That diversity slumbers in every state's memories and it can be roused to new life.

The charter tries to launch this great narrative. It is up to us to take up the challenge and pursue it. The Swiss German writer, Jeremias Gotthelf, once said: "When you work to shed lustre on your country, you must start at home". I would adapt this adage to our subject. "When you work to shed lustre on Europe, you must start in every European country".

**Problems raised by the use of regional or minority languages before public and judicial authorities**

**Mr Jean-Marie Woehrling**  
**President of the Administrative Court**  
**Strasbourg, France**

According to a whole series of international declarations, recommendations and conventions, respect for regional or minority languages means giving people who speak one of these languages the right to use it in public as well as in private. This principle is found, for example, in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the United Nations General Assembly on 18 December 1992, and in the Oslo recommendation of 20 September 1996, adopted under the aegis of the OSCE's High Commissioner on National Minorities.

Hence, the right to use regional or minority languages, not only privately but also in public life, is generally recognised at international level and difficult to deny in principle. However, the particular ways in which this principle can be put into practice are attended by various uncertainties.

Public rather than just private use of regional or minority languages presupposes that they may also be used in relations with public authorities. However, many international documents are rather unclear on this point. Article 10 of the Council of Europe's Framework Convention for the Protection of National Minorities, adopted on 10 November 1994, states that "in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, ... the (Contracting) parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities." Speakers of minority languages must also have the right to defend themselves in their language if judicial proceedings are brought against them. The above-mentioned Oslo recommendation states that minorities should be able to communicate with local authorities in their own language and that speakers of these languages must be able to use them in the framework of local consultative bodies.

The European Charter for Regional or Minority Languages, meanwhile, contains much more detailed provisions concerning the use of regional or minority languages in the judicial and administrative fields. Although Article 7 of the charter, which sets out its objectives and principles, merely makes provision, in paragraph 1.*d*, for “the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public (and private) life”, two major articles in Part III are dedicated to the recognition of regional or minority languages by judicial and administrative authorities. These articles (9 and 10) contain more than fifty paragraphs or sub-paragraphs, each dealing with one kind of measure which might be taken to promote the use of regional or minority languages. Any state ratifying the charter must agree to implement at least one of the measures listed under each of these two articles. Hence, the charter is the international instrument most firmly committed to promoting the recognition of regional or minority languages by public authorities.

This issue is particularly controversial, since it is a delicate subject which arouses both anxiety and argument among the supporters of regional and minority languages as well as among those who challenge their recognition. However, closer examination of the subject suggests that it is less problematic than it appears. In this respect, the European Charter for Regional or Minority Languages proposes a pragmatic, positive approach such as to bring people with differing opinions together on a number of reasonable points.

#### **I. The use of regional or minority languages in relations with public authorities: a delicate issue**

This issue is particularly difficult because it is highly symbolic and often misunderstood. But there are also unquestionably practical difficulties in arranging for the use of regional or minority languages in relations with public authorities.

##### **A. The important symbolic dimension**

The use of regional or minority languages within the framework of public authorities is a very important matter of principle for the representatives of government authorities as well as for those who defend these languages.

a. Identification with a national language played an essential part in the national unification of many countries. Rather than becoming less important in the current context of open borders and the new international dimension of public life, the use of national languages in public institutions seems to be assuming a new significance. For example, in France, the Villers-Cotteret edict of 1539, which states that the language of the judicial authorities is French, has become particularly symbolic, making it one of the most frequently used arguments against accession to the European Charter for Regional or Minority Languages. Whereas many countries never used to have specific texts concerning the language of public authorities, there has been a recent surge of increasingly strict constitutional or legislative measures introduced to regulate this question. Hence, in many states, use of the national language in public institutions is considered a matter of principle and of fundamental value which cannot be compromised in any way.

b. Those who defend regional or minority languages, meanwhile, attach to them the same symbolic significance, often believing that recognition of the dignity of these languages must involve permission to use them in public life and in relations with public authorities. In several regions, while the importance of the national language is not underestimated, it is claimed that a regional or minority language should be given the status of joint official language, conferring on it, in particular, public status and a place in public institutions. Apart from this symbolic dimension, the supporters of regional or minority languages stress the practical advantages of using them in relations with public authorities. They are keen to ensure that regional languages do not become confined to a sort of cultural ghetto, or even worse, to the realms of folklore. In order that they may play a full role in contemporary life, regional languages must have a place in the administrative and political domains, since these form two of modern society's main areas of concern. The integration of regional or minority languages in the work of administrative or judicial authorities is an essential means of stimulating and modernising these languages, enabling them to display and develop their terminological range and full expressive potential in these specialised fields too. Since language depends on practical use, regional or minority languages can only develop a breadth of vocabulary and diversity of expression suited to the administrative field if they are recognised by the authorities concerned.

**B. Problems surrounding the use of regional or minority languages by public institutions are often misunderstood**

Discussion of this issue often develops along the lines of "it's all or nothing". Those opposed to the use of regional or minority languages by public institutions point out that it is impossible to use all regional or minority languages in all regions. "Are government officials going to have to speak Alsatian even if they are Basque?" wondered the writer of an article on the charter's entry into force, published in the *Dernières Nouvelles d'Alsace* newspaper on 21 March 1998.

Conversely, the speakers of regional or minority languages claim that, by refusing to use regional or minority languages, public service employees (particularly in hospitals or retirement homes) discriminate against them or even offend their dignity.

In reality, somewhere between the blunt refusal to accommodate regional or minority languages in any way in public institutions and claims that such languages should have equal status with the national language, it is possible to find balanced solutions adapted to the particular situation. This, as we shall see, is what the charter recommends through a range of different practical proposals. It is also illustrated by actual practice, since some regional languages, in areas where they are spoken, already have equal status with the national language as far as public and judicial authorities are concerned. In other cases, meanwhile, more modest and pragmatic measures have been taken.

For example, the new law passed by the Catalan Parliament on 7 January 1998 on the use of Catalan by public authorities makes provision for administrative authorities in most of Catalonia to use Catalan without undermining the use of Spanish. Here, the idea of having joint official languages has been implemented both internally and externally, i.e. both within the regional or local authorities themselves and in their dealings with the public. Knowledge of Catalan is therefore required by all new employees of the Catalan public authorities.

In south Tyrol, judicial proceedings are conducted in the language of the applicant if a public authority is involved or if the defendant is happy to use that language. If the defendant wishes to use the other language, proceedings are conducted in both Italian and German, the two languages of the region. If necessary, all proceedings and judgements are conducted and drafted in both languages.

Under the Finnish Constitution, all citizens have the right to use their mother tongue, whether Swedish or Finnish, before the courts and administrative authorities.

The Slovenian law on the courts stipulates that, in districts where Italian and Hungarian are recognised, if a Party uses one of these languages, proceedings are to be conducted and the judgement delivered in Italian as well as in Hungarian or Slovenian. Where a higher court rules on an appeal against a judgement delivered in Italian or Hungarian, the appeal judgement will also be translated into Italian or Hungarian. The courts are required to supply the parties with the documents and information they need to proceed in their own language. Slovenian legislation also provides that, in regions where Italian and Hungarian are recognised, the decisions of administrative bodies must be communicated to the citizens in both Slovenian and their local language. Road signs, official notices and forms are all in both languages.

The Law on the Autonomy of Åland Island, which belongs to Finland, stipulates that the administrative language of the province is Swedish and that the Supreme Court's opinions and judgements in cases concerning the province must be drafted in Swedish. However, all Finnish citizens have the right to use Finnish before a court in the province and before the national authorities in personal cases. The judicial and administrative authorities of the province have to append to all documents a translation in the national language, ie Finnish, if the person concerned so requests.

Under a new law in force since 1 January 1997, Frisian can be used in administrative and judicial proceedings in the Netherlands. Applications can be submitted in Frisian in the province of Friesland, where the authorities are responsible for providing translations. Road signs are in both languages and, as far as the use of Frisian in the civil or administrative courts is concerned, the judge has discretion as regards the practical arrangements.

These examples show that in many cases public authorities do recognise regional or minority languages, even those little used.

### **C. Specific difficulties in the use of regional or minority languages by administrative and judicial authorities must not however be ignored**

In almost all cases, a regional or minority language is not the only language spoken, even in those regions where their use is most widespread. Some people will prefer to use a regional or minority language, while others would rather use the national language. Moreover, administrative authorities will in any case have to use the national language when communicating with central authorities. Consequently, the administrative and judicial authorities have to function in both languages, which means that specific adjustments need to be made to staff recruitment and training procedures, that translation services need to be set up and that documents have to be made available in both languages. These measures may require considerable financial resources, as well as staff with expertise in fields which are sometimes highly specialised. Long-term planning is needed if suitable training and recruitment procedures are to be set up for this purpose. Moreover, appropriate terminology, which is often lacking due to a shortage of opportunities to use it, needs to be developed in some regional or minority languages. Hence, in some cases, terminology committees have to be set up to ensure that the terms used can be relied on.

Even if all these efforts are made (and we have seen that they have a very positive effect in giving new impetus to regional and minority languages), the use of more than one language by administrative and judicial authorities always produces a number of specific difficulties, because of potential doubts over the accuracy of some legal translations. We are familiar, at international level, with problems linked to the use of several languages in texts that need to be absolutely precise. Such problems can also arise when a national language is used in conjunction with a regional or minority language.

These problems, though real and sizeable, can nevertheless be overcome. Moreover, they can be greatly reduced through various judicial or practical arrangements. The European Charter for Regional or Minority Languages is a model of such a realistic and pragmatic approach.

### **II. The charter's pragmatic and practical approach is likely to make the subject less problematic**

To help overcome the various problems mentioned above, the charter takes an essentially pragmatic approach, based on two main ideas:

- distinctions should be made according to both the particular situation of each regional or minority language and to the various ways in which these languages are used by public authorities;
- any theoretical or principle-based approach should be avoided in the interest of practical, sensible solutions.

In principle, the charter only sets out specific measures for administrative and judicial authorities in districts where they are justified by the number of residents using a regional or minority language. Under the charter's provisions, these measures can be varied according to the situation of the language concerned. The charter also states that these measures should only be applied as far as it is reasonably possible to do so and provided they hamper neither efficient administration nor the proper functioning of the courts.

To this end, the charter does not deal *en bloc* with the problems of using regional or minority languages in public institutions. Rather, it endeavours to differentiate between problems in order to find specific solutions, distinguishing in particular between administrative and judicial authorities.

#### **A. The use of regional or minority languages in relations with administrative authorities**

This subject is dealt with in Article 10 of the charter, which offers the states a series of graduated undertakings. Irrespective of their judicial traditions, all states are able to agree to some of these undertakings. In order to find reasonable solutions to the problems of using regional or minority languages in the administrative sector, three distinctions are made:

- a. Firstly, a distinction between state authorities and local authorities.

Clearly, it is more difficult for national authorities than for local authorities to deal with regional or minority languages. Dealing with different languages at national level can lead to major problems, especially in countries where several minority languages are spoken. However, such difficulties are accepted and coped with in countries which have several official languages (e.g. Belgium or Switzerland).

In areas where regional or minority languages are used, however, it is not particularly difficult for administrative authorities to deal with them. Apart from the practical benefits to the public, recognition of a local language by public authorities also opens up useful opportunities for users of the two languages, which in turn can provide a major boost for rarer languages.

- b. Even within local authorities themselves, a distinction can be made between the executive body and deliberative assemblies. At least as far as the latter are concerned, it is hardly conceivable that an elected representative should be prevented from carrying out his duties in his own language. It therefore seems difficult to deny speakers in assembly debates the right to use the regional language in the area where it is spoken, although, for practical reasons, some hesitation might be justified with regard to certain written documents.

c. As far as the executive actions of public authorities are concerned, a distinction should also be made between external and internal relations:

- external relations involve contact with the public. Here, a further distinction can be made between requests submitted to the authority and the replies given by the latter. It is not really difficult for an authority to accept requests submitted in a regional language, since all that is required is a department which can understand that language. However, replying in the regional language, if requested, is rather more difficult since it requires the staff concerned to have an active knowledge of the language. A distinction can also be made between administrative bodies that are regulatory and those which are service-providers: it is easier to use a local language in providing services than in drawing up regulations;
- internal relations involve contact between public service employees and therefore the working language of the authorities themselves. This issue can be left to the employees themselves to resolve or regulated by the administrative authorities with a varying degree of strictness.

d. Finally, distinctions can be made between the various administrative sectors and the nature of the documents they issue. How easy it is to use a local language depends on the field of activity involved. Also, documents needing translation can be dealt with selectively: it is possible to translate only local texts and documents intended for the local population, rather than systematically translating every document.

Taking these various possibilities into account, the charter proposes a series of measures with varying levels of difficulty and requiring public authorities to recognise regional or minority languages to varying degrees.

2. Any state ratifying the charter has to agree to implement at least one of the measures set out in Article 10 (it has to agree to at least thirty-five provisions of the charter as a whole). However, all states that have so far ratified the charter have far exceeded this minimum obligation and agreed to a relatively large number of undertakings concerning the place accorded to one or more regional languages by their administrative authorities.

A study of the first six ratifications shows which undertakings were most commonly accepted by the first states to ratify.

All states agreed to allow administrative authorities to draft documents in a regional or minority language. They also all agreed to allow users of these languages to submit oral or written applications in them, to permit their use in debates in regional or local assemblies, without excluding the use of the official language, and to allow the use of traditional and correct forms of place names in regional or minority languages. Similarly, all ratifying states undertook to allow the use of family names which had their origin in the regional or minority language.

Many of the ratifying states undertook to make administrative texts and forms available in regional or minority languages and to allow the use of regional or minority languages within the framework of the regional or local authority, and agreed to arrange for translation or interpretation where required, to enable users of regional languages to submit a request or receive a reply in these languages.

The provisions which the ratifying states accepted least often involved undertakings which applied to all administrative authorities (not just to regional or local ones). For example, it was agreed that users of regional or minority languages could submit a request to and receive a reply from the Norwegian authorities in Sami, the Croatian authorities in Czech, Italian, Slovak, Ruthenian, Serbian, Hungarian and Ukrainian, and the Finnish authorities in Sami, Swedish and Roma. The need for public service employees speaking a regional or minority language to be posted to areas where that language is used has been recognised by Switzerland (Romansh and Italian), the Netherlands (Frisian) and Hungary (Croatian, Romanian, Slovak and Slovenian).

## **B. Judicial authorities**

This subject is dealt with under Article 9 of the charter, which contains a graduated series of undertakings.

1. Distinctions also need to be made between different possible situations here.

a. Criminal law:

Irrespective of any international document concerning the protection of regional or minority languages, it is a generally accepted principle that criminal proceedings may not be brought against anybody in a language they cannot understand. Clearly, the right of persons involved in criminal prosecutions to a translation or interpretation in a language they understand is equally applicable to those who only understand a regional or minority language. Such provisions are an absolute minimum.

A more favourable provision is to offer persons being tried for a criminal offence the right to use a language in which they believe they can defend themselves better, even if they also speak the official language of the court. The charter contains such a provision for users of regional or minority languages.

b. Other actions (civil or administrative):

The charter distinguishes between a series of possible provisions for civil or administrative courts.

Some of these measures are relatively minor and do not require substantial financial outlay nor major adjustments to judicial regulations. This is particularly the case with regard to accepting the validity of legal documents, applications, evidence or other documents, notwithstanding the fact that they are drafted in a language other than the official language, even if it means practical arrangements such as translations, the cost of which can be apportioned in different ways. Such arrangements can be considered a minimum measure to promote regional or minority languages, reflecting a lack of hostility towards these languages rather than positive support of them.

More effective support could be given by allowing regional or minority languages to be used in oral court hearings, or even in the production of written evidence.

c. Further ways in which judicial procedures can be altered in order to support regional or minority languages require various distinctions to be made between the claimant's actions and those of the defendant, or between cases taking place in regions where a local language is spoken to a significant extent and proceedings taking place at national level. Real difficulties might arise in this context if the two parties wish to use different languages. More than two languages could even be involved if there were more than two parties. This is why the charter leaves the states concerned a broad margin for manoeuvre, to enable them to assess the feasibility of any measures they might take in this field.

d. Finally, in some cases a truly bilingual judicial system, fully recognising the regional or minority language, is conceivable. Such a system is not out of the question since it is already provided for in several countries, notably south Tyrol, Catalonia, Finland (the Åland islands) and Slovenia. Moreover, it should be noted that it is not the poorest countries which employ the financial cost of such arrangements as an argument against the use of regional or minority languages in the judicial system.

2. A study of the provisions most commonly accepted by the states ratifying the charter shows that they have all agreed to more than the minimum of one provision that the charter requires. All ratifying states have recognised the right of the accused in a criminal case to use his or her regional or minority language, and agreed that documents in criminal proceedings may be drafted in a regional or minority language. In Switzerland and Finland, it is even stipulated that criminal proceedings are to be conducted in the regional or minority language (Italian and Swedish respectively). As far as civil cases are concerned, all ratifying states have agreed to allow a litigant to use his or her regional or minority language without thereby incurring additional expense. All states have also agreed to allow documents and evidence to be produced in regional or minority languages in both civil and administrative proceedings.

Switzerland and Finland have made provision for civil and administrative proceedings to be conducted in a regional language (Italian and Swedish respectively). Most ratifying states have accepted that interpretation and translation should not involve extra expense for the persons concerned. Finally, all ratifying states have also agreed that legal documents should not be declared invalid solely because they are drafted in a regional or minority language. However, only Norway has undertaken to translate its most important statutory texts into a regional or minority language (Sami).

In conclusion, the charter appears to make a major contribution to promoting the use of regional or minority languages in relations with public authorities. It shows that a number of important measures can be taken without harming the proper functioning of public institutions. The charter defuses the issue by proposing practical solutions and has shown that a pragmatic, reasonable approach is possible in this field.

Since the European Charter for Regional or Minority Languages was adopted, protection of the status of these languages in the administrative and judicial fields has been strengthened in several countries which have not yet ratified it. This shows that the charter is both dynamic and forward-looking in its effects.

**Mass media, cultural activities and regional or minority languages****Ms Elin Haf Gruffydd Jones****Manager****Mercator Media****United Kingdom**

First of all may I thank the Council of Europe for the opportunity to speak here today at such an important occasion for the future of linguistic diversity. But let us not forget, that while regional or minority languages are the focus of this charter, it is in fact a matter of enhancing democracy for everyone. I am not the first to say that one measure of democracy is the relationship between the majorities and the minorities; and this is true in all spheres, not only in linguistic terms. We all belong to majority and minority groups.

In my lifetime, the situation of minority or regional languages has changed. Many are, as the charter recognises, in precarious situations, and many have acquired increasing status and recognition. Most have probably experienced both erosion and expansion of use to varying degrees. Positive developments are the result of dialogue at local, regional, state European and worldwide levels.

The Mercator project, where I work, is financed from the European Union's budget line for regional and minority languages which was set up in the early 1980s. The Mercator Project itself was established following the Kuijpers Resolution of 1987 which called upon the European Commission to make provisions for minority languages in the fields of education, the media, and regional and local administration. Today three centres carry out this task, Mercator Media, Mercator Education and Mercator Legislation, working as information networks, collecting and disseminating data on these three specified aspects of minority languages. The Mercator project forms an important element of the knowledge base for minority languages of the European Union. And as we all know, a sound knowledge base is essential for any coherent policy for action in all fields, including minority languages.

Within the Mercator project, media is defined as television and radio, newspapers and magazines, book publishing, distribution and retail, libraries, electronic networks and so forth, and so you can see that it enters into what would generally be regarded as cultural activities too. Mercator Media also has responsibility on behalf of the whole Mercator network for the database of events, which is available for consultation on the Internet, where you can find cultural activities with an international dimension which are deemed to be of interest to those concerned with minority or regional languages. I ought to point out that Mercator's brief, being a European Union. funded project, is Union wide rather than Europe wide.

First of all I shall outline some of the characteristics of the media and cultural activities in minority or regional languages, and then I shall look at the solutions proposed by the charter to overcome some of the problems.

Yesterday, in the discussion about education, many people stated that this was the most fundamental starting point, on which everything else was based. While no one can deny how crucially important education is for any language, one must not forget that the cultural associations and organisations perform a basic task of retaining a cohesiveness within minority language groups, and very often, especially where there is little state support for the languages, these associations, often voluntary, provide the basic tools for linguistic survival; and perform many functions. They are often libraries and archives, academies and terminology centres, cinemas, theatres and publishers, festival organisers and involved in other forms of cultural expression, including the media. These associations very often lay the foundations for cultural policy when the state or region decides to adopt one in favour of the language.

Also yesterday it was noted in passing that the influence of the media has transformed living patterns of speakers of minority languages. Linguistic minorities were quick to realise the power of the media, and demands and campaigns for radio and television broadcasting can be traced back over several decades. It goes without saying that the media are as important for minorities as they are for other societies; they define social reality; and it is in the media that the changing culture and the values of societies and groups are constructed, stored and most visibly expressed. The media are part of the process of creating social reality as well as reflecting it back to that society. Implicit in this is the notion that if the media are to play this essential role in society, then they must be an intrinsic part of that particular society.

Linguistic minorities themselves must be the producers of their own media, and reflect the diversity of their social reality, rather than merely being the objects of media, having somebody else's view of them reproduced and thrown back at them. This, of course, is the cause of caricatures and stereotypes, which are at best frivolous and usually contribute to the perpetuating misunderstanding and hostility between communities. This is also true for those minorities who speak a language similar or identical to that of a neighbouring state, they still need their own media to reflect and contribute to their own social reality.

Minority language communities can be described as being fundamentally different from other minority groups in society, because the minority language communities are themselves comprised of minority groups. The implications of this for the media is that, within a relatively small community in the first instance, the subgroups are even smaller, and it becomes increasingly more difficult to cater for the tastes and needs of the minority within the minority. Minority language media and cultural institutions tend to have to be very much “everything for everybody”. The speakers themselves have less choice, but of course, most of them being bilingual, will resort to the other language.

Small audiences mean that media and cultural activities in minority languages cannot benefit from economies of scale. Regardless of the numbers of copies sold, books still have to be written, edited, published, printed, distributed and promoted if they are to reach the audience.

Minority languages have more than their share of volunteer resources. Media ventures and cultural activities which are close to the people or community induce a feeling of community ownership, which results in high volunteer activity. This is particularly true of local cultural activities and local media. Of course, the voluntary contributions can lead to amateurism, and is dependent on work patterns in general; those in work may find themselves having to compete increasingly to sustain their jobs and have no time for voluntary work, leaving that to those without work or retired. Also, there is a danger of overdependence on particular individuals, and when they leave, the venture collapses.

Minority languages are of course affected by other factors, and those in peripheral, rural areas bear the high distribution costs of the lack of infrastructure. As with other disadvantages, in many places, a support system is introduced to alleviate poorer regions, or other activities which are at a severe disadvantage when left to market forces or general government policy. Overdependence on grants can cause instability, lack of proper forward planning, and can leave minority language media and cultural activities vulnerable to the whims of politicians and sometimes erratic policies. Also if there is a democracy deficit at any of the levels of government, for example, that the boundaries of local or regional government do not reflect the reality of languages groups, then they are in a very volatile position. The charter draws attention to this in Part II, Article 7, paragraph 1.*b*.

When talking to people who work in the media or cultural industries, one often hears that they would prefer “parity of priority” rather than special treatment. In many cases, if they were treated equally to their counterparts in the majority language, pro rata, there would be no need for special grants. Smaller units may be ousted out of advertising revenue from large companies, just because they are too small. Institutional advertisements are an important source of income for majority language activities, as they ought to be for minority language activities.

The media of minority languages very often have a special role in standardising the language. Especially in the case of unique languages, the media are very often at the cutting edge of developments, and may have to invent a word for “Internet cookie” for example, in time for the next news bulletin. Cultural centres, libraries, and academies as well as other parts of the culture industries contribute to this process. The media then disseminate the word and are part of the process of deciding whether neologisms will be accepted or rejected. The dynamism of the media and cultural industries today will decide what kind of languages there will be for the generations to come – will there be a vibrant language with abundant vocabulary in circulation, or will the language fall further behind and need major surgery in the next generation if it is to survive at all.

Language resources are essential if new technologies are to work in minority languages. The Internet can solve many of the problems of distribution and printing costs for small audiences as long as those audiences have the skills and equipment to use these technologies.

The European Commission’s Green Paper *Living and working in the information society: people first* expresses the view that “Many people fear that the new technologies will reinforce rather than reduce existing inequalities”. We all know that the distribution of Internet users in the world does not correspond geographically or linguistically to the population of the world. According to a report by a group of experts about social inclusion in the information society IBM-UK (*The Net result: social inclusion in the information society*, IBM), the profiles of users of the Internet in the UK are as follows: 60 per cent are under 35 years of age; 80 per cent are in socio-economic groups A, B or C; 25 per cent are student; and 20 per cent live in households where the total earnings per annum is over £40 000 (65 000 ecus).

To exclude a language is to exclude that language community. For languages already in a precarious situation, the transmission from one generation to another, or social reproduction will be even more difficult if they are excluded from yet another social function.

This leaves us with the problem of electronic language resources. Languages will be left behind if they do not have these resources, like dictionaries, translated software, etc. and eventually machine translation they will be on a lower level of the hierarchy that new technologies are meant to eliminate. Within the process of globalisation of cultures, minority languages could be in the same position as certain majority languages spoken by a low number of people, if they were to receive the same resources towards building electronic language resources. But without the necessary funds it is impossible – as it was for example in the case of Danish.

Problems of literacy are typical of minority languages where a substantial part of the population has not been educated through the medium of their languages. This affects the written press of course, while television and radio can bypass it. But it will haunt us again, because in effect, the microcomputer brought written language technology back into the mainstream. In the information age, literacy is of utmost importance. In Friul, for example, 95 per cent of speakers of Furlari are illiterate in their own language.

The media is changing rapidly, and trends in global media mean that there are fundamental differences in the way news can get to us. There is a tendency to edit and interpret less due to constraints on time, to get the story out before the competitor does. The audience becomes closer to the source, rather than dependent on the journalist. Recent research in the Netherlands shows that government information officials and public relations (PR) officers outnumber journalists by two to one. The media's dynamic nature means that it is becoming more difficult to categorise what is media, and what is not.

On the other hand, in the face of globalisation, minority languages media can fill the information gap left in the market – local news, local media, usually better than anyone.

Within all industries, and cultural industries and the media are no exceptions, there is a point of critical mass, a minimum from which those industries can develop. When these industries are intertwined, as are culture and media, they feed off each other to create dynamism and this is especially important during the process of professionalisation of previously volunteer-based activities.

The solutions proposed by the European Charter for Regional or Minority Languages can be divided as follows:

First of all, it gives a legal framework within which media and cultural industries can work. If a media venture or cultural institution does not have legal status for example, in many states, this means that work contracts are not valid. The charter will address this inequality between citizens.

Secondly, the charter provides a focus or a general point of reference for rights for languages in media and cultural provision, and recognition on an international level.

At least one paragraph or subparagraph from Article 11, which relates to the media, must be chosen. Again this is based on flexibility, so that the most appropriate level of media provision can be accorded to each language, in the fields of television, radio, other audiovisual works, newspapers, articles, training of journalists and other staff of media. It is worth pointing out that current media provision does not always reflect the size of the group, but rather, it reflects the strength of political, cultural and social life.

Here also, there is special mention of the freedom to receive radio and television directly or by retransmission and the written press from a neighbouring state in languages which are used in identical or similar form to a regional or minority language; these issues are extremely important for minorities, but of course should not be seen to replace the need for home grown media, for reasons I mentioned earlier. Frontiers are not so clear for radio waves.

The final paragraph aims to ensure that the interests of minority or regional languages are represented or taken into account within bodies guaranteeing the freedom and plurality of the media.

Perhaps one weakness, and as a matter of principle, one ought to find one weakness, is that no provision is made in the field of media, unlike education and culture for example, for internal *émigrés*, that is to say speakers who live within the same state, but not in the designated territory, for example those who live in the state capital. Again, it is possible that the authors of the charter had already envisaged RealAudio, radio programmes through the Internet, and digital television. Seriously though, some provision may have been appropriate here, although there would be the problem of television franchises and radio licences, where those apply.

At least three paragraphs or subparagraphs must be chosen from Article 12 – Cultural activities and facilities. Reference is also made to culture in Part II. It is heartening to see that the definition of culture can include modern forms of expression, which are so vital for the dynamism of a society, as well as those traditionally associated with regional or minority languages. The emphasis on both translation or works into and from minority languages recognises the need for different culture and languages to feed each other, and I would assume that in the spirit of this charter, which stresses the value of interculturalism and multilingualism, that this is not a reference to translating to and from the majority language(s) of the state, but rather an incentive to translate between minority languages, or between any languages, and not to be overdependent on any one other culture.

This is an important point because in the case of the European Union's Ariane Programme, priority is given to translation from minority languages but not into these languages. This has both economic and cultural repercussions because publishers from these areas are at a disadvantage because the Programme does not allow them to publish in the minority language, which is an integral part of the industry in their area. Also it discriminates against the unique minority languages who, unlike the majority languages in minority situations, cannot use languages resources produced in other states".

In Article 12, paragraph 1.e, the charter draws attention to the importance for bodies responsible for organising or supporting cultural activities to employ staff who have a full command of the language. Again this is related to the notion that those who speak minority languages should be the producers as well as the target audience of their own culture, media and policies in those fields.

Mention was made yesterday of the lack of terminology in some languages. Paragraph 1.h. of Article 12 addresses this issue directly.

In paragraph 2 of Article 12, as is the case with education, the charter draws attention to the importance of cultural provision for those who speak the language outside the noted territories, if numbers justify. This is especially significant for internal *émigrés*, usually people from minority language areas who live in the state capital.

Finally in Article 12, the mention is made of including minority languages in the pursuit of cultural policy abroad. Culture forms an important part of tourism and the general economic marketing of any area. Minorities are no different. External projection can help minorities overcome inferiority complexes. Our experience with the Mercator project tells us that direct contact between minorities leads to a fruitful exchange of ideas and experiences, both failures and successes.

## **The use of regional or minority languages in social and economic life**

**Ms Carmen Garmendia Lasa**  
**Minister for Culture in the Basque Government**  
**Spain**

### **1. Introduction**

Ladies and Gentlemen,

First of all, I would like to thank the Council of Europe, and particularly the Director of Environment and Local Authorities, Mr Ferdinando Albanese, for inviting me to participate in this conference. Personal considerations apart, I believe that this invitation is a kind of acknowledgement of the work the public authorities of the Basque Autonomous Community have done in encouraging acquisition and use, at all levels, of one of Europe's oldest languages.

I would like to start with a few thoughts on the role of regional and minority languages in the shared European venture, and then look at various aspects of the use of regional or minority languages in social and economic life. I shall be making a few general points concerning the importance, for these languages' survival, of their being used in the social and economic spheres, and I shall also be analysing the way in which the European Charter for Regional or Minority languages views their use. I shall then conclude with some proposals for the future.

What I have to say relates mainly to the Basque experience, firstly because it is the one I know best, but also, and above all, because a comparative analysis of the three political/administrative areas suggests a number of conclusions which I consider interesting. My ultimate aim will nevertheless be to contribute to the general debate on European regional and minority languages.

### **2. Regional and minority languages in the shared European venture**

The profound economic, social and political upheavals which are part and parcel of building the European Union are themselves part of the general trend towards worldwide globalisation, and are gradually transforming the communication needs of Europeans. The effect these upheavals are having on languages is summed up in the general conviction that speaking one language will in future be the exception in Europe, and speaking several the norms.

The disappearance of economic and political barriers within the European Union makes it vital to devise a new language strategy for a plurilingual Europe. This new strategy must be able to meet two challenges or needs which are not easily reconciled. It must guarantee effective communication between Europeans, and at the same time guarantee Europe's cultural and linguistic diversity.

No one doubts that defining this new strategy is a complex business. It has to do two things at once: safeguard Europe's cultural and linguistic wealth, and also ensure that such basic European Union principles as free movement of persons, goods and services are respected.

Definition of this new strategy makes it necessary for the European institutions, among other things, to: decide on the Union's official languages and the institutions' working languages, determine a future translation policy, decide which language or languages are to serve as a lingua franca between Europeans, decide how languages should be taught in Europe and, finally, introduce a joint policy on regional and minority languages within the European Union.

The new European language strategy thus goes beyond official state languages to include non-official regional or minority languages.

According to the Euromosaic report, prepared for the European Commission and recently published, there are forty-eight language groups, speaking thirty-one different regional or minority languages, within the European Union. Of these forty-eight groups, over half (twenty-nine to be exact) comprise less than 100 000 people. Altogether, about 5 per cent of European Union citizens speak a minority language, i.e. about 20 million people out of 350 million.

As these figures show, the question of regional or minority languages in Europe is a real one. It is true that attitudes in Europe are tending to become more favourable to the preservation of linguistic diversity, and yet the current situation and prospects of minority language groups vary greatly. Some have made significant progress in the last few years. Others, on the contrary, are on the decline or even disappearing.

Today, only the resolute support of the European institutions, both national and regional, can prevent the loss of something which is, for many of us, one of the most important expressions of our European identity: our cultural and linguistic plurality. This is the only way of preventing certain Europeans from feeling like foreigners in their own country.

### **3. The importance of using regional or minority languages in social and economic life**

In analysing the social vitality of minority language groups, the above-mentioned Euromosaic report pinpoints three main situations. I shall say more about these, since they tell us a good deal about the socio-linguistic dynamics of these groups.

First of all, there are groups within the European Union which are now linguistically non-productive – in other words, their language is declining or being replaced by another. They are characterised mainly by the fact that the children stop speaking the minority language spoken by their parents.

Secondly, there are groups which are reproducing or conserving their language. They are distinguished by the fact that the minority language is passed down naturally from one generation to the next.

Thirdly, there are groups in a situation of production or growth. They differ from the others in that the children speak a minority language in which their parents are not fluent.

The processes of linguistic non-production, reproduction and production are closely linked to a wide range of factors.

Migration, for example, accompanied by complex processes of cultural integration and ultimately diminishing the group's self-confidence, is the most frequent cause of linguistic non-production or substitution among speakers of regional or minority languages.

The family and the community are the two fundamental social institutions which act as a last bastion or refuge. Depending on the behaviour patterns they adopt, they can tip the balance towards either non-production or reproduction of the language.

As for the mechanisms which condition the functioning of these two institutions, research in the Basque country shows that at least two conditions must be fulfilled for the family and community to play the part assigned them in reproduction of the language.

Firstly, the speaker must be in a family and community context where a high percentage of people know the minority language. In the Basque country, the figure stands at approximately 75 per cent. In other words, a Basque speaker will use the language only when a majority of the people he is dealing with also know Basque. If the same were found to apply in other language communities, this would confirm that a minimum socio-linguistic threshold must be attained in the speaker's social environment to guarantee use of the minority language.

Secondly, the Basque experience also highlights the fact that, to use the minority language habitually, speakers must be able to express themselves in it as easily as in the majority language – if not more easily. This illustrates the need for a kind of minimum socio-linguistic threshold to ensure use of the minority language.

Apart from the family and community, which are mainly social institutions, we must also take account of other factors, more directly linked with the public authorities, which have a significant bearing on non-production, reproduction and production of regional or minority languages. These include, for example, the role played by official recognition and teaching of the minority language.

Recognition means that the authorities pass legislation favourable to the language and adopt policies to protect and encourage minority language groups. The extent to which they are recognised directly affects the situation of these groups, as the Basque case again clearly shows.

As you know, the Basque language community is divided into three politico-administrative entities, leading – depending on the level of recognition attained in each – to the formation of three language groups, each with its own socio-linguistic dynamic. Basque speakers live in two politically autonomous communities in Spain, the Basque Autonomous Community and the Navarra Community, and a third group lives in the *département* of Pyrénées atlantiques in France.

The extent to which the Basque language is politically recognised varies in each of these three groups. In the Basque Autonomous Community, Basque, along with Spanish, is the official language for the whole region. In the Navarra Community, Spanish is the official language throughout the region, and Basque in only part of it. In the Pyrénées atlantiques, French is the only official language.

The socio-linguistic diagnosis of each group might thus be as follows: production or growth in the Basque Autonomous Community, reproduction or conservation in the Navarra Community, and non-production or decline in the Pyrénées atlantiques.

Partly linked with legal recognition, the education system is another effective instrument which the public authorities use to encourage the processes of non-production, reproduction or production in minority language groups.

Three very clear conclusions can be drawn from the Basque country's case. Firstly, teaching in Basque is a highly effective instrument of language reproduction for families and the community – so effective indeed that any Basque family which sends its children to a school where lessons are given in Basque can be practically certain that the language will be transmitted to the next generation. The experience of the Basque Autonomous Community and the Navarra Community confirms this.

Secondly, the Basque experience also shows that the authorities' commitment to bilingual education is a powerful instrument of language production, the impact of which is clear from the fact that 70 per cent of under-16s in the Basque Autonomous Community now know the Basque language.

Thirdly, the example of the Basque country in France shows that the fact that Basque is little used in the classroom has direct effects on non-production or decline of the language.

So far, I have been talking about the use of regional and minority languages in social life. I would now like to say a few words on the importance of using them in economic life.

It is in the traditional economic sectors, such as crop or stock farming and fisheries, and in certain service sectors – especially those linked with cultural tourism – that speakers of regional or minority languages are usually relatively numerous. When there is a certain kind of official recognition, their presence can extend to the education system and, in general, the public authorities.

The absence of regional or minority languages in other important sectors of the economy gives the users themselves a negative image, relegating their language to traditional contexts and private life – in short, to the realm of “feelings”. The more prestigious activities, on the contrary, are reserved for “modern” and “rational” (i.e. official and majority) languages.

Thus regional and minority languages have very marginal effects on employment prospects, and little influence on social mobility. In other words, they lack instrumental motivation, by comparison with other languages. They are not perceived as being useful or highly regarded for economic activity.

The marginal status of regional and minority languages in the economic sphere is partly due to one aspect of the modern tendency to associate economic development with cultural and linguistic homogenisation at state level.

This view, which has its roots in the Enlightenment, is counterpointed by a new paradigm, which is starting to emerge and which sees in diversity a potential which should be directed towards economic development. Seen in this new light, diversity, which is based on different cultural and historic origins, is a source of development and progress which is both underestimated and under-exploited – and can now act as a stimulus to knowledge and innovation, which are vital aspects of contemporary economic development.

Linguistic plurality, which is one essential element in diversity, coincides with this view, since, as Umberto Eco, (*La búsqueda de la lengua perfecta*, Grijalbo, Mondadori, Barcelona, 1996, p. 282) quoted by V V Ivanov in *Reconstructing the Past* (1992) p. 4 has reminded us, “Every language constitutes a certain model of the universe, and if we have 4 000 different ways of describing the world, we can consider ourselves enormously rich.”

In line with this same idea, which associates economic progress with linguistic plurality, it is likely that regional or minority languages will increasingly play a major part in systems aimed at improving quality and customer satisfaction. Europe will be truly plurilingual when a significant number of speakers opt freely for regional or minority languages, and when services and goods can adapt to the linguistic circumstances of the market, the better to match the interests and respect the rights of consumers.

I cannot conclude these few comments on the role of regional and minority languages in economic life without mentioning the challenge of adapting to the new information and communication technologies which those languages face.

As we know, market forces tend to concentrate on a definite number of languages, leaving out huge areas of culture, social life, business and science, as well as individuals and companies operating in languages with little or no footing in the world of computers.

In these circumstances, the public authorities must encourage, support and actively promote new machinery to facilitate incorporation of the less widespread languages, including regional and minority languages, by the various language industries. This is the main challenge which these languages face in the future.

In fact, some analysts are already starting to suggest that discrimination will not exist solely between state and regional or minority languages, but also between those with an adequate footing in the world of information technology and those by-passed by the computer circuits.

#### **4. The European charter's approach to the use of regional or minority languages in economic and social life: proposals for the future**

The approach to the use of regional or minority languages in economic and social life embodied in Article 13 of the European charter has two distinct components.

The first aims to remove barriers or deterrents to the written or oral use of regional or minority languages in social and economic activities.

The second proposes measures to permit or promote the use of regional or minority languages in financial documents, the public sector, hospitals and retirement homes, safety regulations and information on consumers' rights.

To the best of my knowledge, none of the application machinery provided for in Part IV of the charter has yet been put in place. Without this, or at least without a monitoring and evaluation system, it is very hard to analyse and pinpoint the problems, and assess the extent to which the commitments embodied in Article 13 have been implemented.

I therefore believe that the European institutions should make a special effort to solve this problem as soon as possible. Ideally, specific studies should be made of the way in which minority European languages have developed in the various areas covered by the charter – education, the law, government and public services, media, cultural activities and facilities, and economic and social life.

Implementation of the charter should also serve to foster co-operation between language groups speaking the same minority language, ensuring that all Europeans who speak the same language have the same language rights, and enabling us to progress together towards a joint European policy on regional and minority languages.

Finally, for the charter to fulfil its ultimate objective, which is to protect Europe's linguistic wealth, my conviction in all I have been saying is that the European institutions must make an effort to involve states in policies which promote regional and minority languages, to encourage education in those languages, get them used in the most dynamic economic sectors, gradually bring in the concept of the consumer's language in connection with goods and services, and adapt regional and minority languages to the new information and communication technologies.

Thank you for your attention.



### III. CONCLUSIONS

**Mr Ferdinando Albanese**  
**Director of Environment and Local Authorities**  
**Council of Europe**  
**Strasbourg, France**

1. I have been very encouraged by this two-day conference on implementation of the European Charter for Regional or Minority Languages in states that have already ratified the charter and on the prospects for signature and ratification by other states.

To date, seven states have ratified the charter, and two more will do so before the end of July 1998. Other countries are at various stages of completing either the ratification process itself or the necessary legislative changes prior to ratification. I should like to thank all the government representatives for the information they have been able to give us in this regard.

Although all of these states already had regimes of protection in place for regional and minority languages, the discussions have shown that, even in these states, ratification provided an opportunity to review and complement existing measures and, where appropriate, improve them.

The discussions also showed that many states are unclear about how to implement the charter. The conference has tried to answer their questions in this context.

2. The first general question concerned the degree of protection that should be given to each regional or minority language. (Mr Blair referred in this connection to “the flexibility of the charter”.)

It is clear from the text and the spirit of the charter that a single protection model, applicable in all cases, is not possible. Rather, protection must be adapted to each language according to its situation (number of people speaking it, geographic area where it is spoken, etc.).

The German example, among others, shows that it is possible to have different regimes of protection for different languages or different regimes of protection for the same language in different parts of the country.

3. Consequently, regarding education, which is a crucial factor for the survival and development of a language, there are a number of possible solutions, namely education exclusively in the regional or minority language, bilingual education, or simply teaching of the language. Ultimately, what matters is that speakers of a regional or minority language have the opportunity to acquire fluency in that language, not only as their usual mode of communication, but also as an expression of their specific cultural identity. The acquisition of regional or minority languages by speakers of the official language(s) of a country is considered desirable as a factor of social integration and mutual respect.

The conference touched on the cost of protecting a regional or minority language, but this problem was not discussed in any detail. It seems that the cost of protection can be lower than expected if all training resources and existing capacities are used to the full.

4. Concerning the use of regional and minority languages when dealing with the authorities and the courts, two possible approaches to this question were mentioned: one “ideological”, the other more pragmatic. The problems encountered in the application of Articles 9 and 10 result from the fact that, on the one hand, respect for the official language(s) of a country is laid down as an absolute requirement while, on the other hand, it is said that recognition, even limited, of regional and minority languages before the authorities is essential, as a way of asserting the dignity of such languages.

However, if we consider that regional and minority languages are the usual mode of expression of part of the population of a given country and that these people want to be able to use their regional or minority language without necessarily wishing to force it upon the state as an official language, then it is possible to find pragmatic solutions to the problems posed by Articles 9 and 10. For example, the fact that an accused wishes to speak in his or her regional or minority language does not mean that the proceedings as a whole must be conducted in that language. Similarly, the fact that requests may be submitted to the authorities in a regional or minority language does not mean that the authorities have to reply in that language, at least not in cases where the situation of the minority is no justification for doing so. Lastly, use of the regional or minority language in local authority assemblies or use of both the official language and the regional or minority language for street names would not appear to affect the status of the official language.

5. Everyone agrees that the cultural sector and access to mass media are equally as important as education. It is not enough simply to learn a language: it must also be possible for people to use that language to communicate their culture. The media also have an important role to play in language standardisation, particularly where the language is not used in identical or similar form in a neighbouring country.

The discussions showed that many countries are making considerable efforts in both these sectors, through either general measures with respect to the press, radio, television and culture industries, or specific measures to protect regional or minority languages. However, it seems that a lot more work still needs to be done in the television industry.

More generally, it was asked whether there was a danger that new information technologies might widen the gap between a country’s official language and its regional or minority languages. This is an important question that needs to be looked at in greater detail if the marginalisation of regional and minority languages is to be avoided.

6. The use of a regional or minority language in the economic and social life of a country is a sure sign of the language’s vitality.

The situation varies considerably from one country to another, but broadly speaking does give cause for concern.

As a rule, regional and minority languages tend to be used in farming and agriculture, fishing, craft industries, and service jobs in the tourism sector. They tend not to be used, however, in what are called “advanced” or “leading edge” sectors of the economy. Mobility and employment requirements militate in favour of official languages, or of an even more limited number of languages used worldwide.

One hope in this field comes from endogenous economic growth and the fact that linguistic, cultural and historical diversity tends to be regarded as a factor of economic development. However, these potentialities need to be backed up by measures that make it easier to incorporate regional or minority languages in the economic fabric.

7. In conclusion, our most important task must be, while respecting national frontiers, to reconcile two important principles: protection of Europe’s cultural heritage, which includes regional or minority languages, and efficiency of communication, both nationally and throughout Europe. Multilingualism would appear to be the answer, and I think the past two days have shown just how relevant the European Charter for Regional and Minority Languages is to us today and what a force for progress it represents.

The discussions have identified a tendency to overestimate the difficulty of implementing the charter. It has been suggested that comparative law studies should be carried out on an article-by-article basis to identify the many different solutions adopted throughout Europe. I should like to point out in this context that the Council of Europe and the future Council of Europe committee of experts are there to assist governments who would like help with the measures needed prior to ratification of the charter. It is my impression that, provided they are willing to make a little more effort, even more countries than we think will be in a position to ratify the charter.

On that note, and on behalf of the Council of Europe, I should therefore like to urge all those countries that have not yet done so to sign and ratify the European Charter for Regional or Minority Languages.

Following this appeal and before declaring the conference closed, I should like to thank the following people for their contributions:

- the rapporteurs, for giving us so much food for thought;
- the various sessions’ chairs for their efficient handling of the discussions;
- the representatives of associations of minorities and the experts, for their valuable contributions to the proceedings;
- all those participants here on behalf of their governments;
- the interpreters;
- the Finnish Government, whose generosity has enabled us to hold the conference here in Strasbourg.



#### IV. PROGRAMME OF THE CONFERENCE

##### Thursday, 26 March 1998

- 10.00 a.m. Opening of the conference
- Mr Hans Christian Kruger  
Deputy Secretary General of the Council of Europe
- 10.30 a.m. Break
- 11.15 a.m. Presentation of the European Charter for Regional or Minority Languages
- Mr Philip Blair, Deputy Director of the Private Office of the Secretary General of the Council of Europe
- 11.45 a.m. Discussion
- 12.30 p.m. Lunch
- 1st session President: Ms Astrid Thors, Member of the European Parliament,  
Finland
- 2.00 p.m. Regional or minority languages and education problems
- Mr Romedi Arquint, Member of the Parliament of the Canton of Grisons,  
Switzerland
- 2.30 p.m. Discussion
- 4.00 p.m. Break
- 4.30 p.m. Problems raised by the use of regional or minority languages before public and  
judicial authorities
- Mr Jean-Marie Woehrling, President of the Administrative Court in Strasbourg,  
France
- 5.00 p.m. Discussion
- 6.00 p.m. End of the session

**Friday, 27 March 1998**

- 09.30 a.m. 2nd session: President: Mr Lluís-Maria de Puig  
Member of the Council of Europe's  
Parliamentary Assembly Committee  
On Culture and Education
- Mass media, cultural activities and regional or minority languages
- Ms Elin Haf Gruffydd Jones, Manager, Mercator Media, United Kingdom
- 10.00 a.m. Discussion
- 11.30 a.m. Break
- 12.00 a.m. The use of regional or minority languages in social and economic life
- Ms Carmen Garmendia Lasa, Minister for Culture of the Basque Government,  
Spain
- 12.30 p.m. Lunch
- 2.00 p.m. 3rd session: President: Mr Gianfranco Martini,  
Member of the Congress of Local and Regional  
Authorities of Europe
- Discussion on “The use of regional or minority languages in social and economic  
life”
- 3.30 p.m. Break
- 4.00 p.m. Conclusions by Mr Ferdinando Albanese, Director of Environment and Local  
Authorities of the Council of Europe
- 5.00 p.m. End of the conference

## **V. LIST OF PARTICIPANTS**

### **I. Governments of member states**

#### AUSTRIA

Ms C ACHLEITNER, Head of Department for National Minority Affairs, Austrian Federal Chancellery, Bundeskanzleramt, V/7, Ballhausplatz 1, A-1014 Vienna  
Tel. 43 153 115 24 65, Fax 43 153 115 26 99

#### BELGIUM

M<sup>me</sup> C. LECLERQ, ministère de Justice, Boulevard de Waterloo 115, B-1000 Bruxelles

#### BULGARIA

M. Marin RAYKOV, Représentant Permanent adjoint de la République de Bulgarie auprès du Conseil de l'Europe, 22, rue Fischart, F-67000 Strasbourg  
Tel. 33 3 88 61 95 29, Fax 33 3 88 61 92 38

#### CROATIA

Ms D. POLJAK MAKARUHA, Ministry of Education, Trg burze 6, Zagreb

#### CYPRUS

Mr Yannis MICHAELIDES, Ministry of Foreign Affairs, Dem. Severils Avenue, Nicosia  
Fax 357 2 36 53 13

#### CZECH REPUBLIC

Dr Pavel CINK, Director, Department of International Relations, Ministry of Education, Youth and Sport, Karmelitskà 7, CS-118 12 Prague 1

#### ESTONIA

Mrs Gaida RATTUS, Attachée, Division of Human Rights, Legal Department, Ministry of Foreign Affairs Rävala 9, EE-0100 Tallinn  
Tel. 372 631 7431, Fax 372 631 7099

Mr Sergei IVANOV, Member of Parliament, RIIGIKOGU, Lossi plats 1a, EE-0100 Tallinn

#### FINLAND

Mrs Camilla BUSCK-NIELSEN, Legal Officer, Legal Department, Ministry for Foreign Affairs, P.O. Box 176, FIN-00161 Helsinki  
Tel. 358 9 1341 51, Fax 358 9 1341 5951

Mr Eero AARNIO, Counsellor of Legislation, Ministry of Justice, P.O. Box 1, FIN-00131 Helsinki

FRANCE

M. Denis DOUVENEAU, Secrétaire adjoint des Affaires étrangères, Direction des affaires juridiques, Sous-Direction des Droits de l'Homme, Quai d'Orsay 37, F-75007 Paris  
Tel. 33 1 43 17 58 13, Fax 33 1 43 17 43 59

GERMANY

Mr Rolf GOSSMANN, Head of Division, Minority Law Issues and Affairs of German Minorities, Federal Ministry of the Interior, BP 17.02.90, D-53108 Bonn  
Tel. 49 228 681 2006, Fax 49 228 681 2076

Mr Jan KNEBEL, Expert, Domowina-Zwjazk Luziskich Serbow (Federation of the Sorbish People in Germany), Postplatz 2, D-02625 Bautzen  
Tel. 49 3591 5500204, Fax 49 3591 42408

Mr Uwe PAULS, Head of Minorities Section, State Chancellery of the Land Schleswig-Holstein, Dürsternbrooker Weg, 70, D-24100 Kiel  
Tel. 49 431 988 1918, Fax 49 431 988 1970

Mr Heinrich SCHULTZ, Chairman of Sydsleswigske Forening (Cultural Organisation of the Danish Minority in Germany), P.B. 2664, D-24916 Flensburg  
Tel. 49 461 144080, Fax 49 461 1440830

Mr Stanislaw BREZAN, Deputy Head of Minorities Division, Ministry of Science and Arts, Free State of Saxony, BP 10 09 20, D-01076 Dresden  
Tel. 49 351 564 6496, Fax 49 351 56 4740 6496

GREECE

M. Athanassios KOTSIRIS, Représentation Permanente de la Grèce auprès du Conseil de l'Europe, 21 place Broglie, F-67000 Strasbourg  
Tel. 33 3 88 32 88 18, Fax 33 3 88 23 12 46

HUNGARY

Mr Otto HEINEK, Deputy President of the Office for National and Ethnic Minorities, Kossuth L. tér., H-1055 Budapest  
Tel. 36 1 268 38 00, Fax 36 1 268 38 02

ITALY

M<sup>me</sup> Concetta STALTARI, ministère de l'Intérieur, Place Viminale, Palais Viminale; Rome  
Tel. 39 66 4661, Fax 39 66 44651

Mr. Hans ZELGER, Sindaco di Nova Ponente, Municipio, I-39050-Nova Onente B2  
Tel. 39 471 616 515, Fax 39 471 616 725

#### LATVIA

Ms Irini MANGULE, Second Secretary, Treaty Division, Legal Department Ministry of Foreign Affairs, Brivibas bulv. 36, LV-1395  
Tel. 371 701 62 64, Fax 371 783 00 75

#### LITHUANIA

Mr Remigius MOTUZAS, Director, Department of Regional Problems and National Minorities, T. Kosciuskos g.30, LT-2600 Vilnius  
Tel. 370 2 61 30 49, Fax 370 2 61 94 31

#### “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”

Ms E. GORGIEVA, Head of Human Rights Department, Ministry of Foreign Affairs,  
9100 Skopje  
Tel. 389 91 110 333, Ext. 115

#### MOLDOVA

Mr CARPOV, Head of the General Department for International Law and Treaties, Ministry of Foreign Affairs, 80 Str. 31 August 1989, Ministerul Afacerilor Externe, Chisinau MD 2012  
Tel. 373 25 78 216, Fax 373 25 78 308

#### NETHERLANDS

Dr Klaas MEERSMA, Ministry of Home Affairs, Postbus 20011 2500 EA The Hague  
Tel. 31 70 302 63 022, Fax 31 70 353 91 53

#### NORWAY

Mr Sigve GRAMSTAD, Former Director General of the Norwegian Ministry of Culture

#### POLAND

M<sup>me</sup> Kararzina LASAK, ministère des Affaires étrangères, J. Ch. Szutha 23, Varsovie 00580

#### ROMANIA

M<sup>lle</sup> Ildiko BAJKO, Inspectrice, Département pour minorités, ministère de l'Education nationale, Direction générale des relations internationales, G-ral Berthelot 30, 7.738 Bucarest  
Tel. 40 1 613 10 13, Fax 40 1 312 66 14

RUSSIAN FEDERATION

Mr Vladimir LEBEDENKO, Councillor of the Department of European Co-operation, Ministry of Foreign Affairs of the Russian Federation 55, Arbat, Moscow 121200

SLOVAK REPUBLIC

M. Peter BURIAN, Ministère des Affaires étrangères, Directeur général, Press and Human Dimension, Hlbokà cesta 2, 833 36 Bratislava

SLOVENIA

Mr Andrej SKERLAVAJ, Councillor to the Minister, Ministry for Foreign Affairs, Gregorciceva 2, 1000 Ljubljana 6  
Tel. 386 61 178 23 94, Fax 386 61 178 23 41

SPAIN

M. Enrique GOMEZ-CAMPO, Conseiller, Direction générale de la Coopération des autonomies du ministère de l'Administration

TURKEY

Dr Ahmet BILGIN, Mayor of Deyarbaker, Belediye Baskani, Bûyûk Senir Belediye Baskanligi, Diyarbakir  
Tel. 90 412 221 7850, Fax 90 412 224 4173

Mr Sumer ÜNSAL, Member of the Department Council of Hatay, İl Genel Meclis Üyesi, Prf Muammer Aksoy, Cad. Ef es Pilsen Bayisi, 312, Iskenderun, Hatay  
Tel. 90 326 615 3084, Fax 90 326 615 3085

UKRAINE

Mr Wolodymyr TROSCHTSCHYNSKYI, First Deputy Head, State Committee of Ukraine for Nationalities and Migration, 252021, Instytutska St. Kyiv  
Tel. 38 (044) 293 7279, Fax 38 (044) 293 5335

UNITED KINGDOM

Mr Gwyn R. JONES, Head of Welsh Language Branch, Welsh Office, Room 4-052, Cathays Park, CARDIFF CF 3NQ  
Tel. 44 1222 826 093, Fax 44 1222 826 112

## II. Session presidents and speakers

M. Romedi ARQUINT, Président de l'Union fédéraliste des communautés ethniques européennes, Chapella/Susauna, CH-7526 Cnous-Chel

M<sup>me</sup> Carmen GARMENDIA LASA, Consejero de Cultura Gobierno Vasco, E-01011 Victoria Gasteiz

Mrs Elin GRUFFYDD JONES, Manager, Mercator Media Aaglil, Coleg Prifysgol, Llanbadam Fwr, Aberystwyth, Dyfed 5 TY23 3AS, Wales, United Kingdom

M. Hans Christian KRÜGER, Secrétaire Général adjoint du Conseil de l'Europe, F-67075 Strasbourg Cédex

M. Gianfranco MARTINI, membre du Congrès des pouvoirs locaux et régionaux de l'Europe, Piazza dei Trevi 86, I-00187 Rome 6

M. Lluís Maria de PUIG, Commission de la culture et de l'éducation, Assemblée parlementaire du Conseil de l'Europe, F-67000 Strasbourg

M<sup>me</sup> Astrid THORS, Member of the European Parliament, 10 G 354, Rue Wiertz, B-10977 Bruxelles

M. Jean-Marie WOEHLING, Président du Tribunal administratif, 31 avenue de la Paix, F-67000 Strasbourg

## III. Representatives of minority associations and experts

M<sup>me</sup> ARISTONDO, Secrétaire pour la politique linguistique, Gouvernement Basque, E-01011 Victoria Gasteiz

M. Bojan BREZIGAR, Président du Bureau pour les langues moins répandues, Avrisina 150, I-34011 Trieste  
Fax 39 40 77 24 18

Mr Christian BRANDT, Svenska Finlands Folketing, Unions gatan 45 H 100, SF-00170 Helingsfors  
Tel. 358 9 135 1355, Fax 358 9 135 1443

Mr Stanislas BROUCEK, Director of Ustav pro etnografii a folkloristiku AV, Machova 7, Czech Republic  
Fax 420 2 250 430

M<sup>me</sup> Anna Vari CHAPALAIN, Présidente, Comité français du Bureau européen pour les langues moins répandues 16, Straed Paul Borossi, F-29000 Kemper

M. Llibert CUATRECASAS, Conseiller des Affaires européennes du Président du Gouvernement de la Catalogne, Generalitat de Catalunya, Plaça de Sant Jaume, E-08002 Barcelona

Tel. 34 3 402 4704, Fax 34 3 302 46 31

Mrs Dieuwke DE GRAAF-NAUTA, Netherlands Monitoring Committee, Postbus 20120, NL-8900 HM Leeuwarden

Tel. 31 58 2925 878, Fax 31 58 2925 125

M. J.L. FOUCONNIER, Rue de Namur 600, B-6200 Châtelet

Tel.32 24 132548

Mr Kjell HERBERTS, Chairman of the Finnish Committee of the European Bureau for Lesser Used Languages, Abo Akademi University, Social Science Research Unit, Vörögatan 9, SF-65100 Vasa

Tel. 358 6 32 47 152, Fax 358 6 32 47 457

M. Henri HOSTERT, Président du Comité national luxembourgeois pour le BELMR, 29, rue Aldringen, L-2926 Luxembourg

Mr Joseph KOMLOSSY, Vice-Président, Federal Union of European Nationalities, Chapella/Susauna, CH-7526 Cinous Chel

Fax 41 1 821 1067

Mr Vasil MELO, President of the Party of Human Rights, Rr e “Durrësi” Pal 34, K.2 Tirana, Albania

Fax 355 42 34 965

Prof. Domenico MORELLI, Président du Comité national du Bureau européen pour les langues moins répandues, Via Pietro Bonfante 52, I-00175 Rome

Fax 32 6 715 834 88

Ms Caoimhe NI LOCHLAINN, Bureau for Lesser Used Languages, 10 Lower Hatch Street, Dublin 2, Ireland

Tel. 353 1 661 2205 / 661 8743, Fax 353 1 676 6840

Mr Peadar O' FLATHARTA, President of the Irish Member State Committee of the European Bureau for Lesser Used Languages, 46 Kildare Street, Dublin 2, Ireland

Tel. 353 1 6794780, Fax 353 1 679 02 14

Mr Dónall O' RIAGAIN, Secretary General, Bureau for Lesser Used Languages, 10 Lower Hatch Street, Dublin 2, Ireland

Tel. 353 1 661 2205 / 661 8743, Fax 353 1 676 6840

Mr. Marjan PIPP, Chairman of the Austrian Centre for Ethnic Groups, Teinfaltstrasse 4 , A-1010 Vienna

Tel. 43 1 533 15 04, Fax 43 1535 58 87

Prof. Charles RICQ, Centre d'observation européen des régions, Villa Régions d'Europe, chemin de la Renardière, CH-1261 Genolier  
Tel. 41 22 366 40 66, Fax 41 22 366 40 65

M. Alex RIEMERSMA, Klosterstraat 12, NL-9717 LD Groningen

M<sup>me</sup> Ludmilla ROTARAC, Chef de direction, ministère de l'Enseignement, de la Jeunesse et des Sports, Piazza Marij Adunar Nationala 1, MD 3732 Chisinau, Moldovie,  
Fax 373 2 23 34 74

Mrs Anna SIKORONJA, European Referent of the Austrian National Committee of the European Bureau for Lesser Used Languages, Teinfaltstrasse 4, A-1010 Vienna  
Tel. 43 1 5533 15 04, Fax 43 1 535 58 87

Mr Ned THOMAS, President of UK Committee of the European Bureau of Lesser Used Languages, Director of Mercator Project on Media in Minority Languages, 6 Gwennth Street, Cathys, Cardiff CF2 4YD, Wales, United Kingdom  
Tel. 44 222 23 19 19, Fax 44 222 23 09 08

Mr Boris TSILEVICH, Centre for Educational and Social Research "Baltic Insight", Brivibas Str. 111, Apt. 39, Riga VV 1001, Latvia

M. Fred URBAN, Conseil national des langues régionales de France, 24 avenue de la Paix, F-67000 Strasbourg

Mr A. VAN DER GOOT, Mercator Education, Postbus 54, NL-8900 AB Ljouwert

Ms Aina VILLALONGA, Bureau européen pour les langues moins répandues, Rue Saint Josse 49, B-1210 Bruxelles

Mr Birger VINSA, Swedish Committee of the European Bureau for Lesser Used Languages, Fax 46 08 158 871

Dr. Tomasz WICHERKIEWICZ, Adam Mickiewicz University, Chair of Oriental and Baltic Studies, ul. Miedziochodzka 5, 60-371 Poznan, Poland  
Tel/Fax 48 61 861 68 36