

FROM THEORY TO PRACTICE – THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

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and Kingdom Relations of the Netherlands and the Council of Europe

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Introduction

The year 2001 was proclaimed the European Year of Languages by the Council of Europe and the European Commission, and to mark this special year, the Dutch Government and the Council of Europe decided to convene an international conference in the Netherlands focusing specifically on regional or minority languages. The conference was attended by some 200 delegates from various European countries, representing national, local and regional authorities, non-governmental organisations (NGOs) and other international organisations. The main purpose of the conference was to find out how various governments are working with the European Charter for Regional or Minority Languages and what progress they have made in implementing it. The conference was a platform for participants to exchange their experiences on the manner in which regional or minority languages are protected and promoted in their home countries.

The Council of Europe has recognised the need to protect regional or minority languages as an important element of European cultural heritage, and with the adoption of the charter a major step has been taken towards improving the situation of these languages. There has been a steady increase in the number of countries ratifying the charter and the monitoring mechanism is now fully operational. Nevertheless, much work remains to be done to secure effective implementation of the charter's provisions. The conference provided an opportunity to review both progress made and current requirements.

The Dutch authorities have recognised the importance of the work undertaken within the scope of this treaty, and it was their wish to highlight through organising this event the important role of various levels of government and non-governmental organisations in the good functioning of the charter. The conference therefore focused in particular on examining the way in which these different actors can effectively improve dialogue and co-operation, which are often initiated by the ratification of the charter.

Opening of the conference

The European Charter for Regional or Minority Languages – an instrument for diversity and peace in Europe

Mr Gijs de Vries, State Secretary of the Ministry of the Interior and Kingdom Relations, Netherlands

Ladies and gentlemen,

In 1951, a judge in the Frisian town of Heerenveen refused to hear testimony in the Frisian language. This led to such serious riots that Leeuwarden police had to use truncheons to quell them. The events of what came to be called the “Kneppelfreed incident” helped put the Frisian language on the national political agenda. Today, fifty years after that turbulent day in Fryslân, we can safely say that Dutch law reflects the special place of Frisian and the active role of the provincial and municipal authorities in promoting it.

The Council of Europe and the European Commission declared 2001 the European Year of Languages. So, working with the Council of Europe, I took the initiative to organise this conference. What we want to do is take a long hard look at how European countries are squaring up to the challenge of the European Charter for Regional or Minority Languages. In particular, we want to know how they are working to protect these languages and promote their use.

I would be pleased to see European Union applicant countries draw inspiration from a covenant agreed in June between the Netherlands Government and the province of Fryslân. The covenant is in part an instrument for implementing the charter, which the Netherlands ratified in 1996. It contains 100 objectives, to be achieved between now and 2010, for strengthening the position of Frisian as the Netherlands’ second official language. And it shows that if you’re willing to recognise linguistic rights, you’ve got a basis for constructive dialogue between central government and the speakers of regional or minority languages.

Guaranteeing fundamental human rights, such as the right to use your own language, can be crucial in ensuring political stability. The charter embodies that right and offers European countries opportunities for putting it into practice. Ratifying the charter can help make Europe a safer place.

We are here first of all to share our experiences. We are also here to talk about how governments can incorporate the charter into their legislative and political frameworks – at national, regional, and local level. The best way they can do so is to work with representatives of indigenous minority languages to protect them and the cultural heritage they transmit – and to maintain and strengthen their use.

To achieve these goals, we have to respect the unique identity of the speakers of these languages. History and recent events have taught us not to assume that

everyone does. The nation states of Europe took shape over several centuries. People with strong regional identities had to make themselves Dutch, French, Italian, or German. To encourage them, governments pursued linguistic and educational policies and introduced national symbols such as flags and national anthems. Governments dealt heavy-handedly with those who were reluctant to subjugate themselves to the nation state.

In the past ten years, it has become clear that regional identities have nonetheless remained strong, and that in the least favourable circumstances, their assertion has led to violence and the disintegration of states. Europe has learned that a state is not necessarily a nation and that denying the rights of minorities can do serious damage.

Even countries not hit by violence have seen a reassertion of regional identities. These identities manifest themselves above all in the use of regional languages. This has been especially noticeable in central and eastern Europe, many of whose nation states are relatively young. Perhaps for this reason, central governments are often reluctant to grant far-reaching rights to minorities. They feel that to do so might undermine the unity of the state. However, it is precisely when they refuse to grant such rights that unrest arises – as we have seen all too often.

Regional minorities are asserting their identities throughout Europe, not only in the centre and the east. At the same time, the EU is forging ahead towards integration. The cross-border traffic of persons, goods, services and money has been largely freed of protective national legislation. The single European currency has become a reality, at least for twelve EU member states. Moreover, EU integration has brought people new rights and freedoms while improving the quality of their lives.

However, the member states' governments have not succeeded in explaining to the people how important the EU is for solving cross-border problems such as crime, unemployment, and environmental pollution. The EU is still relatively unknown and unloved. "Brussels" is regarded as part of the threat of globalisation, rather than as what it really is: a political response to globalisation.

As globalisation and European integration advance apace, people in many countries are showing more interest in their regional and local identities. Europe's regions have very diverse histories and cultures, of which language is an important manifestation. On the one hand, Europe is integrating; on the other, it is regionalising. Europe's governments must recognise and safeguard our continent's regional variety if they are to strengthen support for European integration.

Europe's strength should be unity in diversity. The Treaty of Amsterdam states: "The Community shall take cultural aspects into account in its action under the provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures." If we fail to create the opportunities for doing so, we

will be impoverishing Europe's cultural heritage. We will be running the risk of alienating people both from their national governments and from the EU.

European governments must allow their citizens to express their regional identities not only within their regions but also at national and European level. Many are already on the right track, because they recognise that we all have a fundamental right to use our own language and express our cultural identity. All public authorities – national, regional, and local – have a duty to offer our citizens the opportunities to do so.

Several international agreements offer a useful frame of reference, with the enshrinement of human rights – including free speech and thus the right to speak your own language – providing a safeguard for stability.

The first time that the United Nations addressed the issue in detail was in the 1966 International Covenant on Civil and Political Rights, Article 27 of which states: “In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their groups, to enjoy their own culture, to profess and to practice their own religion, or to use their own language”.

The CSCE/OSCE addressed the issue in greater detail, first in the Final Act of the Helsinki Conference (1975) and later in the final document of the Conference on the Human Dimension in Copenhagen in 1990. In Copenhagen, it was agreed that “persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will”.

That principle was repeated at the OSCE Summit in Istanbul in 1999, where it was agreed that people should be entitled “to preserve and promote the ethnic, cultural, linguistic and regional identity of national minorities within an existing state”.

The High Commissioner on National Minorities (HCNM) – previously Max van der Stoep, now Rolf Ekéus – has also done much to protect the rights of national minorities.

You could regard the European Charter for Regional or Minority Languages as a further expression of the ideas presented in these documents. The charter offers European countries opportunities for democratically tailoring their policies on minority languages to local situations.

It is essential for EU enlargement, and to help prevent social unrest within national borders, that countries acceding to the EU do the same. The first step is for them to ratify the charter.

Ladies and gentlemen,

Countries in western, central, and eastern Europe provide good examples of how to safeguard minority languages.

On 1 October 2001, the German Federal Government adopted a bill to strengthen the position of Frisian and Roma. The states of Schleswig-Holstein and Lower Saxony have undertaken to allow the use of place names in North Frisian (or Frasch) and East Frisian (or Seeltersk). This means that bilingual place name signs can be used in the Nordfriesland district of Schleswig-Holstein and in the Saterland district of Lower Saxony.

The state of Hessen is preparing legislation to allow Sinti and Roma groups to use Roma in meetings both of municipal councils and of the state legislature. It has also undertaken to employ Roma speakers if the need arises and to allow citizens to communicate with public authorities in Roma. In adopting these measures, Hessen is working to protect Roma, just as other German authorities are working to protect Danish, Sorbian, and Frisian.

The former Yugoslav Republic of Macedonia made a breakthrough last month by ratifying a new constitution that gives more rights to its Albanian minority. In some parts of the former Yugoslav Republic of Macedonia, Albanian is now the second official language. It may be spoken in parliament. And all legislation must be drawn up in both languages. I hope that Macedonia will implement these new measures energetically. It is one thing to amend the constitution; it is another to change the mentality of the people and officialdom in how they deal with ethnic questions. Another recent Macedonian example is the opening of Tetovo University, where students are taught in both Macedonian and Albanian.

In Turkey, Prime Minister Ecevit recently reiterated that he strongly opposes the official use of Kurdish names for towns and villages, because he believes that it would strengthen separatist tendencies. At the same time, the Turkish Parliament recently adopted an amendment to the constitution making it easier to use Kurdish in public life. This amendment is part of a far-reaching revision of the constitution to rid it of clauses that might stand in the way of Turkish membership of the EU. So the EU is an engine for the emancipation of ethnic minorities.

Such developments merit attention in other countries. I believe that Europeans take too little notice of each others' ideas and experiences. We can learn more from each other than we have up to now. I believe that European countries should exchange ideas and experiences on a structural basis, and that they should start doing so in the very near future.

I would therefore like to suggest opening a website with a data bank that is easy to consult. The data bank would contain the details of everything European countries were doing to improve the position of regional or minority languages and to implement the intent of the charter. This would enable Europeans to get to know and compare each others' best practices. Public servants and ordinary

citizens could use it to gauge the position of minority languages and policy on them in their own countries and to compare their findings with the situation elsewhere in Europe. The Council of Europe could take the initiative in launching such a data bank.

The Council of Europe and I see this conference as a first step towards making information available and exchanging it among European countries. We want the conference to serve as a market place for good practices and participating countries to learn from each others' solutions. We also want them to urge each other to ratify the charter if they have not already done so. The charter will then serve as one of the instruments for ensuring peace and security in Europe.

I hope you have a successful conference and look forward to seeing your results.

The Council of Europe and regional or minority languages

Mr Hans Christian Krüger, Deputy Secretary General of the Council of Europe

Minister de Vries, Your Excellencies,
Ladies and Gentlemen,

It is a great honour and a pleasure for me to be with you here today, and I should like to thank the Dutch authorities very warmly for their hospitality and for the excellent organisation of this event.

Our world is on the threshold of a new era. Globalisation has paved the way for new opportunities to communicate in previously undreamt of ways. This contributes to making our world more functional, hopefully for the benefit of all Europe's citizens.

Languages are an essential part of this development. At the Council of Europe we do not feel threatened by the fact that some languages are used more than others. On the contrary: we believe that all languages have their place and function. They are all part of the same diversity of cultures. They all need recognition and support, whether they are official languages, regional or minority languages, the languages of immigrants or sign languages. Respect for all languages is essential in a democratic society. The European Charter for Regional or Minority Languages serves to implement this principle.

Regional or minority languages have always enjoyed special attention at the Council of Europe. This interest is again expressed through the charter, the only legal instrument of its kind. The charter was adopted because it has been recognised that regional and minority languages need special protection and promotion in order to prevent them from disappearing altogether.

Language protection concerns a variety of areas such as education, justice, administration, media, cultural and economic life, social life and transfrontier exchanges. The aim of the charter is not to protect minorities as such. That is the task of the Framework Convention for the Protection of National Minorities. Whilst the Framework Convention covers the use of languages, it is a completely separate legal instrument, complementary to the charter.

Europe enjoys wide cultural diversity. This is indeed one of our greatest assets. The authors of the European Charter for Regional or Minority Languages were fully aware of the many different legal, cultural and social circumstances which regional or minority languages face in Europe. The number of speakers varies, as does the degree of concentration of speakers within any geographical area. An innovative approach was necessary and led to a legal document that is unusually flexible in character. This flexibility is a tremendous asset. Of course, the general objectives and principles have to be respected for all languages affected by the charter. However, then it is the concerned state, together with the language users, which identifies the most suitable protection for each language. The

instrument of ratification has to be very carefully constructed, since this instrument is decisive for obligations undertaken for each language in a specific area of use. Thus the object of protection and the content of the protection are very clear and are carefully adapted to each linguistic situation.

Another important asset of the charter is that it belongs to a family of treaties with a monitoring mechanism. Indeed, this is one of the keys to the success of the charter. The monitoring mechanism allows states party to the charter to follow the progress of the charter's application and it encourages the state concerned to reach an ever-higher level of protection or commitment.

The independent Committee of Experts of the European Charter for Regional or Minority Languages evaluates the state reports, and additional information. It assesses how the state party applies each of the provisions it has undertaken, for each of the languages, in every region. The committee attaches great importance not only to the existing legal provisions and government policies, but also to how they are really applied in practice. To monitor this, the committee visits the states and meets those who are actually confronted with the use of the language, whether they are users, local and regional authorities, or, of course, state authorities. This makes the mechanism transparent and alive.

On the basis of this evaluation, a report is presented to the Committee of Ministers. It proposes recommendations on how a state can further improve the situation of the languages. I am very happy to tell you that this mechanism is now fully operational and the Committee of Ministers has recently adopted its first recommendations for Croatia, Finland, Hungary, the Netherlands, Norway, and Switzerland. Regular evaluation of improvements is part of the process. We are talking about real quality control here, with a three-yearly progress report.

The recommendations adopted by the Committee of Ministers are addressed to the state concerned, which has to report back to the committee of experts on how the Recommendations have been incorporated into government policy.

Follow-up is not restricted to the Committee of Ministers. The Parliamentary Assembly of the Council of Europe receives a report from the Secretary General on the charter's development every three years. This allows for a coherent reporting system by the most important institutions of the Council of Europe.

The European states and the regions of Europe must co-operate to achieve maximum respect and tolerance. For this, we need common objectives and shared values. The charter provides one such objective. Our host country, the Netherlands, considers the charter to be an instrument for peace and stability. I do of course absolutely agree with you and am grateful for your support. We cannot achieve stability by imposing a policy for regional or minority languages without consulting those most affected. Certainly the state has primary responsibility, but local and regional authorities and of course civil society are also very much involved. They are partners who need to be involved in the mechanism established by the charter.

As key players, these three partners need to be informed and consulted. They have to co-operate in order to achieve their common objective. This co-operation – and I would urge you always to keep this word in your mind – will be one of the issues examined during your conference. Co-operation is a condition sine qua non for the instrument of ratification to be of a good quality, and for the monitoring mechanism to function well.

I am happy to report that ratification of the charter has doubled over the last two years. At present fifteen states have ratified it, and another twelve have signed and are preparing to ratify it. True, the number of ratifications is not as high as that for the Framework Convention for the Protection of National Minorities, but the charter can be complex, because there is a need to decide which provisions should be chosen for each language, and this takes time. If the charter is to have a real impact, there is a real need for a solid realistic instrument of ratification. Therefore we prefer states to take time to prepare this instrument carefully in co-operation with all those involved and affected by the language policy, before they ratify.

The Council of Europe is at present composed of forty-three member states and for some of the more recent members, the ratification of the charter has been made a condition for their accession to the Council of Europe. On the other hand, some “old” member states have not yet ratified the charter and are not obliged to do so. I would like to take this opportunity to encourage those states that have not initiated the preparatory phase for ratification to do so, because we need to stand together, to co-operate, to set a good example and to support each other in our common endeavours.

I wish this important international conference all success and I thank you for your attention.

Session 1

Respect for diversity – harmony between peoples

Chair: Mr Rolf Ekéus, OSCE High Commissioner on National Minorities

Before Mr Ekéus presented the first keynote speaker, he emphasised that protection of minority languages did not mean they should be isolated or that a new kind of apartheid should emerge. On the contrary, he said, development of one's own identity is a typically European approach: "our strength lies in our cultural diversity". He considered it of vital importance that languages be respected and that linguistic diversity be viewed in the broader context of cultural diversity. The existence of more than one culture or language within a given country is a characteristic feature of the modern world. Political and cultural pluralism go hand in hand. In an open society, diversity can and must be encouraged and supported on the basis of respect for others.

Promotion of social cohesion and greater political stability

According to the High Commissioner, the promotion of cultural and linguistic diversity is essential to social cohesion and political stability. However, the protection of unique identities should not degenerate into isolationism or separatism. Minorities should be encouraged to participate in society. The European Charter for Regional or Minority Languages acknowledges the right to a cultural identity. The space that the relevant legislation and regulations have created for this purpose allows unrestricted cultural and linguistic development.

Mr Ekéus thanked the Dutch people and the Dutch Government "for their leading international role in protecting human and linguistic rights". With the European Charter for Regional or Minority Languages, the Council of Europe has laid a solid basis for protecting human rights, with linguistic rights especially having a great impact on society worldwide."

Linguistic diversity in the Europe of tomorrow

Dr Fernand de Varennes, Former Director of the Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict, Murdoch University, Australia

This presentation on linguistic diversity in the Europe of tomorrow is an outside perspective, a general overview rather than one which goes into the details of the procedures and content of the European Charter for Regional or Minority Languages.

Before presenting this context, it may be useful to consider the significance of the charter in relation to other developments around us. One of the more alarming phenomena of our time in Europe is the resurgence of aggressive nationalism, racism, xenophobia, anti-Semitism, and intolerance. At the root of

these destructive currents, you find, in my view, a rejection of that which is universal in all human beings as well as a rejection of the other, of otherness, of difference.

Most conflicts of our time are internal conflicts and many of these are due to the incapacity of societies and political systems to manage difference and diversity. Very often it is even misunderstandings or an incapacity to manage linguistic diversity which have contributed to the frustrations and exclusion that have led to armed conflicts even here in Europe.

While it may not have been the motivation behind the adoption of the charter, this treaty in fact offers guidance on how linguistic differences and diversity can be managed effectively and respectfully. In other words, the charter may be useful in preventing the emergence of conflicts when it is understood and implemented properly.

In describing the context of the emergence of the charter, it may be possible also to make observations and suggestions as to how the implementation of this document can be more effective and positive for all concerned.

For one thing, there has been a progressive development of respecting and embracing diversity over the years in Europe, which we may not always have noticed. From the beginning of the 1980s, when the European Parliament adopted a resolution on a community charter of regional languages and cultures and on a charter of rights of ethnic minorities, there has been clear, positive progress being made in and around Europe in the area of language and culture. Since the 1990s, Europe has seen the creation and entry into force of two new legally-binding treaties: the European Charter for Regional or Minority Languages, and the Framework Convention for the Protection of National Minorities. Although there are differences between the two, beginning with the point of view and wording each adopts in addressing matters such as public education in regional or minority languages or the right to use these languages in contacts with public officials, the essential fact remains that, to a large degree, they agree in most areas.

The same sort of agreement, with the same principles are also to be found in specialised documents requested by the OSCE known as the Oslo Recommendations Regarding the Linguistic Rights of National Minorities, and the The Hague Recommendations Regarding the Education Rights of National Minorities, as well as in United Nations documents such as the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The European Union has also started to follow the same path. In addition to the numerous, though non-binding, resolutions of the European Parliament dealing with “regional languages and cultures”, “ethnic minorities”, “minority languages”, or “linguistic and cultural minorities”, the EU has, of course, supported

a number of programmes under its cultural powers. However, it has more recently gone further, by making respect of human and minority rights one of the “political criteria” for admission of new states to the EU.

There is an emerging *Zeitgeist* from these widely different sources. It is as if there is an agreement that human dignity and respect of human differences not only can but actually must be accommodated whenever possible as part and parcel of a democratic framework, and that means some degree of use of minority or regional languages by public officials and entities in appropriate circumstances. It is the future of the new Europe, united in its diversity.

It is often stated that the charter is the first treaty to deal with linguistic and cultural diversity; that it is the only international treaty which seeks to protect languages. This is true, but it is only part of the picture. One could add that the Council of Europe is very clearly leading the rest of the world in terms of substance and procedure in this area, as well as in the protection of minorities.

Despite some theoretical differences in emphasis and terminology in the two Council of Europe treaties and of course the other instruments dealing with language and rights, in practice they both accept the same fundamental principles.

It is important to underline once again what these principles are: the European Charter for Regional or Minority Languages at a very basic level tries to provide us with answers as to how individuals, groups and societies deal with others, with otherness, and with difference.

This is something that everyone in Europe needs, in the east and west, the north and south. In many parts of Europe there are disruptive forces of racism, xenophobia, and intolerance. The charter embraces difference rather than fears it; it offers precise and practical rules on how to manage difference and diversity. This is perhaps one of Europe’s greatest challenges: how to manage these challenges in a way which respects our differences and our common humanity.

The charter is therefore a major instrument, the most comprehensive and precise treaty in the world which deals with the management of diversity. However, this does not mean that all is perfect in the land of Europe. While words are what make up a language, more than words are needed to make the commitments accepted in the charter a reality.

Ratification of the charter is only the first step. Implementation must follow – it is a legal obligation on the governments which have ratified the treaty. It is with implementation that clarity and co-operation becomes critical. Clarity and co-operation between the Council of Europe and the national government; clarity and co-operation between national governments and local and regional public authorities; clarity and co-operation between these authorities and language groups and non-governmental organisations (NGOs).

The strength of the charter, and the effectiveness of its implementation will depend on these forces working together. It is a role which governments have accepted, a role which the Council of Europe must facilitate and it is a role where NGOs are absolutely indispensable.

The process of implementation of the charter requires clarity and co-operation in three fundamental areas: information, legislation and consistency of application.

First, the issue of information. For this process to work efficiently, the committee of experts must have at its disposal as much precise information as possible on what are the needs of the various language groups, their actual situation, the existence of specific legislation and regulations dealing with the use of minority or regional languages by public authorities and how these are actually applied in the field.

In addition, there must be clarity both for local authorities, which are often responsible for the direct application of many of the obligations of the charter, and for NGOs which are at the frontline of these matters – not only are they directly affected by the aim of promoting language diversity, they also are direct witnesses as to how authorities are implementing the charter, and as such provide essential input for the committee of experts.

What exactly are the obligations of local authorities, indeed, what exactly are the obligations of national authorities in relation to the charter? This kind of information is not necessarily reaching all those affected in simple, precise terms. Much is new, and greater understanding will come over time, but it is certainly clear that once national governments have ratified the charter, they have obligations to consult language communities, and they have an obligation to ensure that local authorities comply with the undertakings which fall upon them.

What is needed are clear examples, working models, the nuts and bolts of how to apply in the real world the obligations national governments and local authorities have in the charter.

It could also be added that there is no need to reinvent the wheel in this regard. There are already in many parts of Europe all kinds of functioning systems which are working well. They operate in conditions and situations which are almost as diverse as those of the different parts of Europe. None of them are perfect, all have their own weaknesses, but they can still provide very useful help and guidance.

Perhaps it would be useful for the Council of Europe to consider assisting local and regional authorities in this respect by setting up a linkage programme so that local and regional authorities could see and learn how in practice other authorities in parts of Europe have built up positive experience in regulating and putting into effect the steps necessary for the use of minority or regional languages in specific situations.

If the committee of experts has identified a specific problem or deficiency in the implementation of undertakings involving local authorities, the local authorities could seek a linkage, with the help of the Council of Europe, in order to see how others, for example Alto Adige/Sud Tirol, or Finland, or Catalonia have dealt with these issues. Instead of restricting itself to recommendations, the committee of experts could adopt a more pro-active approach to assist national governments and local authorities with this kind of parrainage, which could benefit all those concerned. This kind of information co-operation can only be seen as a constructive attempt to build upon the many positive approaches one can find in Europe.

In the area of legislation and regulations, it would be beneficial for national governments, as well as for local authorities, to be able to have technical assistance in the drafting of regulations and legislation. This would help to implement efficiently the undertakings of the charter as well as the recommendations of the committee of experts and the Committee of Ministers.

To some degree this is already possible, but it would be beneficial if it were formalised and made clearly and readily available to these authorities. It would seem that a lot of the situations where the committee of experts has raised concerns involve not bad faith in the implementation of the charter, but simply a lack of appreciation of the type of specific regulations and legislative measures which ought to be in place. To correct this, clear information and assistance from the Council of Europe could go a long way.

Finally the issue of consistency. It is essential for all concerned to be given clear indications as to what are the principles and undertakings in the charter and how these must operate. Unfortunately, a few minor problems are already arising, but they will eventually be resolved as the implementation of the charter progresses.

To give one example, the committee of experts mentioned in one report that there is a single Sami language. It then indicated that the country concerned has three different Sami languages, and then later on stated that there are three variants – which we must assume is similar to a dialect – of one Sami language. All three descriptions cannot be right. There is a lack of consistency here which does not help governments understand the nature and extent of their obligations.

To ensure that governments implement the charter, the committee of experts must provide them with clear principles and indications on how to proceed. These difficulties are quite normal at this early stage of implementing the charter, but they still must be addressed early to ensure that national governments and local authorities are not receiving mixed, inconsistent signals.

The issue of consistency could also be helped by the committee of experts preparing specific policy documents; a “general comment”, which is drawn up for example by a number of UN treaty bodies such as the Human Rights Committee, on particular principles or rules that need to be clarified in order to provide early guidance and avoid more serious misunderstandings at a later date.

One area where there seems to be some confusion is the principle under which the undertakings a government adopts for each language must correspond to that language's actual situation – the principle of proportionality. Many governments in Europe seem to misunderstand this principle, and quite a few appear to adopt the approach that all languages must be treated identically.

It would help consistency and clarity to emphasise that to treat all languages identically is contrary to the fundamental principle of proportionality contained in the charter, and indeed to treat similarly what is different could in international law constitute discrimination. This is a very simple principle, but one over which there is still confusion. To make the application of the charter more consistent, the undertakings and the role of all parties clearer, the adoption of “general comments” could help to avoid disagreements, tensions and delays in implementing of the provisions of the charter.

On a slightly different note, we ought to be proud of the charter as much as we should be proud of our linguistic diversity. The charter recognises that there is a place for the linguistic and cultural differences of Europe. There is a place for Csango, Arumanian, Russian, Albanian, Ladin; for Basque and Welsh and all of the languages and cultures which make Europe one of the most beautiful human mosaics in the world. With them we are richer, and their loss when it can be prevented is something which can only make us poorer.

The charter is not just another unrealistic project dreamed up by bureaucrats and intellectuals in the Council of Europe, it is part of the law of Europe and creates clear obligations; it provides realistic measures that are accepted because they are chosen by each government as is appropriate for each language.

However, it is also more than that. The charter will assist in creating an environment where minorities feel safe, creating a genuinely democratic society based on the respect of human rights, respect of the rights of minorities, and respect for their differences. This is what Karl Popper called an open society, a society that is a way of life in which individual freedom, non-violence, protection of minorities and protection of the weak are important values.

This is where the treaties such as the European Charter for Regional or Minority Languages and other documents are bringing us. They are providing the theoretical framework for rejecting intolerance and bias, and for a vision based on pluralism, tolerance and the accommodation of human differences. A genuine, pluralistic democracy is not just majority rule: it is one based on respect for minorities and for others, and on the acceptance of difference.

Peace and harmony in Europe can only be built on the basis of respect for the other, for the human differences and diversity that are part and parcel of la condition humaine; our humanity. The charter is one of the steps Europe has taken in this direction. It may not be perfect, but with good faith and co-operation between all those involved in its implementation, the Council of Europe,

national governments, regional and local authorities, and various organisations and communities, the right action can be taken.

We should never forget that compared to the situation and attitudes in Europe forty years ago, Europe has come a long way with the charter. There will now be more hope, as well as more mechanisms to respect, protect and promote language diversity in countries which have ratified this document.

Round table

Mr Kaadyr-ool Bicheldey, Deputy Chairman of the Committee for Nationalities' Affairs, State Duma of the Russian Federation

Mr Luciano Caveri, Vallée d'Aoste, Member of the European Parliament

Mr Dónall Ó'Riagáin, special adviser of the European Bureau for Lesser-Used Languages

Mr Kaadyr-ool Bicheldey

In the Russian Federation, there are more than 140 different languages. This gives you an idea of our diversity. In fact, in the Russian Federation, we attach particular importance to this linguistic diversity. We pay great interest to the European Charter for Regional or Minority Languages because it is in our interest to do so.

Today, dear friends and colleagues, I would like to thank Mr James Dowter who succeeded in making sure that Russia is a signatory state to the charter. This is a very important point, because if our colleague had not taken so much effort to make sure that Russia signed the charter, it would have failed to do so. On the one hand, it is very expensive for us to be a signatory state to the European Charter for Regional or Minority Languages, but on the other hand it is really essential to us. That is why I would like to share with you an idea, something we all share in the Russian delegation. I would like to tell you that we consider this very seriously and, as the Russian state, we would like to become a fully-fledged member of the European Union. Today, we have already been talking about the European Union, and what is interesting is that now someone from eastern Asia is talking about the European Union. In fact, I live 100 metres from the centre of Asia, but I would nevertheless like to be a member of Europe, because the twenty-first century will be a turning point in history. Indeed, it will be a century during which we will experience major events, and many changes will occur, which will have an impact on central Asia.

I have been introduced to you as a representative of minority languages, but this is not entirely correct, because at home I am the representative of the linguistic majority. Indeed, in my republic, we make up 60% of the population. That is why I disagree when I am introduced to you as a representative of a minority

language. In the context of my duties, I represent the interests of all ethnic minorities in Russia, and there are more than 140 ethnic minorities. I am also the representative of a kind of sub-committee for minority people from the Russian Federation, and my mandate consists of defending the interests of these minorities in the framework of the globalisation process, but also in the framework of the different languages. These groups need to be protected when it comes to their language, their territory, and their economy, and that is why in May of this year, I drew up a piece of legislation on territorial authority as well as the opportunities for using minority languages in the Far East. I think that this piece of legislation is a masterpiece and that this draft law will better protect the interests of people living in Siberia. This will be more important than the other pieces of legislation approved by the Russian Federation. Why is that so? Because this piece of legislation took into consideration the agricultural reforms, which is a positive step. In fact, the legislation was passed before the agricultural reforms. Now we have access to land, which is a good thing, but for Russians it is also necessary to protect their right to access land. That is what I have been able to do thanks to my project and thanks also to our president, Vladimir Putin. I am very grateful to him, because he signed the piece of legislation on 7 May 2001 which was the anniversary of his term of office. This legislation is very important for us and for everyone from the Russian Federation.

Let me now give you a general piece of information. I have drawn up the first piece of legislation on languages. This is the first piece of legislation that is related to Russian people and languages and last December in Tula (a city in my region), we actually approved an initial piece of legislation that considers our language as a national language. I think that it was good to give our language national status, and in fact I am the first person to draw up language legislation relating to Russian people. This piece of legislation shadows the Tula legislation I just mentioned. What might be interesting to you is that the Russian language legislation has been approved on the basis of the legislation already in force in the republics. We all make up the Russian Federation, and it is thanks to our distinctive characteristics that we have been able to make languages progress in the Russian Federation, because in the early 1990s, the situation was very precarious. In Russia there were significant language conflicts, and I was one of the activists, so to speak, in these language conflicts, because I was promoting a language policy in our region. It is interesting to highlight that after ten years of political involvement, I have finally realised that nationalism is extremely dangerous and we should not focus too much on it. That is why, dear colleagues, I am here with you at this conference, and I am really grateful to have been given the opportunity to express my opinions on language tolerance. This is what we need in the twenty-first century.

The most interesting point here is that the legislation related to the Russian people incorporated a specific concept. This is the concept of language sovereignty, was incorporated in 1998. At that time, I was not a member of the State

Duma and unfortunately that concept has since been withdrawn from the legislation. It is a pity, because language sovereignty is our objective and it is a concept we should support. Thank you very much for your attention.

Mr Luciano Caveri

Allow me to begin by saying that there are still many limitations and a lot of weaknesses and uncertainties within international law. That, I must say, is going to affect significantly minority languages in Europe. I would like here to talk about our hopes, because we should not be overly pessimistic. The European Union is currently enlarging. It is true that we are here to talk about a united Europe. In this exciting process, the member states asked the applicant countries to respect fully the national and minority languages in the wake of the work done by the Council of Europe. However, I must say that we are in a very paradoxical situation in so far as the EU expects others to guarantee something that the EU is itself still unable to guarantee for its minority citizens. Indeed, the treaties of the EU do not talk about minorities or about the languages. There are no provisions made and no sanctions decided upon regarding the non-respect of minority or regional languages. We have to take into consideration the weakness of the Framework Convention for the Protection of National Minorities, but it is true that we have a major instrument which is the European Charter for Regional or Minority Languages, where there are member states, such as Italy and France, which have not ratified the charter for different reasons.

The Italian case is quite paradoxical. Owing to the new supervising legislation on historical minorities, we have, I think, significantly overcome what is laid out in the charter but I am afraid there are still a lot of problems to be settled. The charter is important because there is a control mechanism which plays a significant role and which accounts for a very high political value deriving from the recommendations. We hope a change is going to take place at the European level and I think that there is much of great importance in the EU Charter of Fundamental Rights. In the preamble to the Charter of Fundamental Rights, it says that the EU should preserve and develop common values in respect of the culture and traditions of the European people, as well as the national identity of the member states at national, local and regional level. I must say that it is not only an issue of languages. I think we should not forget that in Europe we need federalism. Federalism is the only antidote to the centralism that is taking place in Brussels. Of course some types of nationalism can be full of xenophobia and racism, but it does, I think, account for a lot of hope within in Europe.

I would like to tell you that the Charter of Fundamental Rights includes Article 22, a very brief article that says that the European Union respects cultural, religious and linguistic diversity. There is a whole world hiding behind this assertion. On the eve of the introduction of the Euro, the single currency, there is a need for us to understand what we should do with the institutions. As you probably know,

our hope is to make sure we achieve good results so that we can truly build up Europe. In the next coming days in Laachen, in Belgium, that is exactly what will be on the agenda.

I think that we should make sure that in the new constitution there is an article on languages and linguistic minorities. We have to ensure that there is an international guarantee that will confer power to people speaking another language. They should be given the possibility of going to court if there is no recognition of the linguistic differences.

I must conclude by adding one point. I think it is a positive step to apply this charter. I will be provocative in what I am going to say. I think that the Council of Europe should authorise the European Commission to sign the charter. This would be a major break-through that would confer the idea of a degree of sovereignty of certain elements. I think that we will have to work all together in order to develop a new charter that could take into consideration future developments, so that we could take into consideration the evolution of the debate. The very first thing that we should write to the address of the European Parliament is a very simple sentence: unity is not uniformity. Thank you.

Mr Dónall Ó Riagáin

The entire question of maintaining linguistic diversity and ensuring the language rights of people is a major issue and one whose importance is not fully appreciated by many of our leaders.

Language is a tool for communication. However, it is a lot more than that. It is a repository for the collective thoughts and memories of a community. It is the finely honed tool of a people for expressing their most subtle thoughts, their most tender feelings and most brilliant ideas. It is the receptacle in which their finest literature, their history, their folk memories, their fears, dreams and hopes are recorded, stored and made available, not only for the living but for coming generations. It gives men and women a sense of peoplehood – of a common identity. Our languages have enormous symbolic importance for us. They are undoubtedly the greatest manifestation of our human genius.

It is estimated that there are approximately 6000 languages spoken in the world today. Some scholars, notably David Crystal,¹ Daniel Nettle and Suzanne Romaine² have in recent times alerted us to the fact that many of these languages are in real and immediate danger of disappearing. Crystal estimates that approximately half of today's 6000 living languages will die in the twenty-first century. Others put the figure as high as 90%. What all are agreed upon is that this is not inevitable. Linguistic diversity, just like biodiversity, can be maintained if we have the will to ensure that it does. Just as our greed and obsession with what we

1. *Language Death*, David Crystal, Cambridge, 2000.

2. *Vanishing Voices*, Daniel Nettle and Suzanne Romaine, Oxford, 2000.

call development has seriously damaged and in some cases totally destroyed parts of our physical environment, so too have our language policies or, in some cases lack of them, killed or seriously endangered parts of our linguistic heritage. If one were to say that up to 90% of the art treasures, which can be seen and enjoyed in galleries across the world, would be destroyed in the course of this century, the public would be horrified, outraged and would demand immediate action to ensure that such a calamity did not happen. And yet, when it comes to language, there is a deafening silence.

There are many factors operating against linguistic diversity. Globalisation in the context of market driven economics is but one of them. Some economists, like François Grin, have produced very convincing arguments to show that linguistic and cultural diversity actually promote economic development and do so in a way that is responsive to regional and general social considerations.

However, perhaps the greatest factor with which we have to contend is the fear of governments that linguistic and cultural diversity undermines the unity of the state and causes divisions among its citizens. Nothing could be further from the truth. History shows us that diversity in itself never caused division. It was the failure of governments, of leaders, of power elites to respect diversity that led to division. Sometimes linguistic oppressors win. Simple people may, in fear or shame, abandon their ancestral language and try to conceal their roots. However, a high price has to be paid in terms of a loss of self-esteem and a sense of shame and anger.¹ If a community finds that something as important and intimate as their language is being suppressed or marginalized, they will quickly become alienated, angry and disaffected. Conflict will inevitably follow. On the contrary, if a community feels that its distinct identity is respected, loyalty to the institutions of the state and consideration for their fellow citizens will be underpinned. Far from being feared, linguistic and cultural diversity should not only be tolerated: they should be welcomed as a source of enrichment for all.

What is true of states is even more true of Europe. Europe is a linguistic mosaic. To speak of European unity without respecting its linguistic diversity is a nonsense. And yet, we, as Europeans, do not have a coherent language policy. The European Union in its Charter of Fundamental Rights declares that it shall “respect cultural, religious and linguistic diversity”.² And yet it has allowed its modest measures in favour of regional and minority languages to slip into a state of limbo. Applicant states from central and eastern Europe are required to show

1. Dr Douglas Hyde, the father figure of the Irish language revival observed in the course of a lecture, entitled ‘The necessity for de-anglicising Ireland’, which he delivered in 1892:... *the Irish race is at present in a most anomalous position, imitating England and yet apparently hating it. How can it produce anything good in literature, art of institutions as long as it is actuated by motives so contradictory?*

2. Article 22 of the Charter of Fundamental Rights.

respect for minority rights before they become eligible to join the Union. And at the same time some of the existing member states refuse to recognise these same rights!

Having said that, it would be unfair not to recognise the excellent work in favour of linguistic diversity that has been done by some persons in the EU institutions, notably in the European Parliament. I salute them. And I salute the Office of the OSCE High Commissioner on National Minorities for having adopted the Oslo Recommendations on the Linguistic Rights of National Minorities. Real progress has been made.

As for the Council of Europe, it is leading the field in this regard. The European Charter for Regional or Minority Languages is unique in that it is the only international legal instrument, the sole object of which is the conservation and promotion of lesser-used languages. It does not go into controversial areas like ethnic rights, self-determination of minorities, independence or autonomy. It focuses solely on language. States can sign and ratify it without any fears for their sovereignty or the integrity of their territory. It is detailed, flexible and effective. And it has an effective monitoring mechanism. In a word – it works. Twenty-seven member states of the Council of Europe have signed the charter and of these fifteen have already ratified it.

It would be dishonest to pretend that accommodating linguistic diversity was always easy and trouble-free. Very often it can be difficult and daunting. The rights of the users of the majority language must never be overlooked. It can have considerable cost implications. The implementation of language policies needs to be open, democratic, effective and cost-effective. None of us have all of the answers to the challenges facing us. However, many of us have some of the answers. We Europeans must combine our efforts much more than hitherto. We must share our expertise and do so in a structured manner.

May I conclude by making a proposal? What I am suggesting is that the Council of Europe establish a centre for linguistic diversity. This could be either an integral part of the Council of Europe structure or a semi-autonomous body. It would serve as a clearing-house for language planning, for data gathering and for the sharing of expertise. It would draw, not only on academia but also on policy makers and practitioners in the field of language, be they from official agencies, international organisations (eg OSCE, Unesco) or from NGOs. Its services would be made available for governments embarking on language planning or endeavouring to accommodate linguistic diversity. I suggest that the cost of such a centre could be quite modest but its achievements could be inestimable.

Conflicts cost lives, human suffering and the destruction of property. Respect for diversity creates harmony between people. Surely no price is too high for that!

Session 2

Accommodating linguistic diversity at national and international level

Chairman: Mr Pal Csáky, Deputy Prime Minister of Human Rights, Minority Rights and Regional Development, Slovak Republic

In his introduction to the second session, Mr Csáky described the situation in his own country, where there are eleven different ethnic groups. Slovakia ratified the charter in July 2001, and it will come into force in January 2002. Mr Csáky said that the international conference in Noordwijkerhout was extremely important for the exchange of ideas. It is the duty of all democratic governments to strike a proper balance between the primary language and minority languages. In this connection it may be useful for them to find out about good practices in other countries.

“The extent to which a country accepts the rights of minorities and their languages may be the best indication of its level of democracy,” said Mr Csáky. He told the organisers of the conference that Slovakia was prepared to host a future conference on the subject.

The charter and the role and responsibility of the state

Mr Patrick Thornberry, Professor of International Law, University of Keele

I think some of the points I will make this afternoon may flow from experience as a member of the United Nations Committee on the Elimination of Racial Discrimination and from the Minority Rights Group.

I want to examine the text of the charter in the light of its philosophy and purpose to see what kind of character it possesses and what contribution it makes to our culture. From there on I think we can measure what needs to be done to activate it and make it a force in the lives of communities, and who should do this. I don't propose to offer you an abstract meditation on the nature of state responsibility. I find responsibility in the text of the charter illuminated by a network of, for the most part, complementary principles. Of course, in the matter of international law and human rights, we digress regularly on the matter of state responsibility and in different contexts the state is obligated to provide co-ordinated and systematic action to activate particular instruments, to exercise due diligence in performing its obligations or to provide deliberate, concrete and targeted measures to promote the objectives of the particular convention. The last phrase, “deliberate, concrete and targeted measures” comes from the International Covenant for Economic, Social and Cultural Rights.

I think the first point I want to observe – and I have gained quite a lot of information from listening to the excellent speeches and presentations this morning –

is this is a complex instrument and perhaps one of the most complex working instruments in this field. As a complex instrument, it requires knowledge, skill and professionalism to bring it to life, to make sure it delivers its purposes. I wonder sometimes if instruments can be too clever, too sophisticated. In the field of social relations, and bearing in mind that the language regimes it will ultimately help to facilitate are part of human governments, will its application always be left for experts to chew over? Will communities regard it as in their ownership if the provisions are very complex? I think this is a serious matter. If we are presumed to know the law, as it were, should the law be made as clear as possible? Can involvement in the charter be promoted so that it becomes familiar in the way that the European Convention of Human Rights has become familiar, although in that case, I suspect, its familiarity is driven largely by its implementing system, by the procedure of individual communications. There were some remarks made this morning about the lack of familiarity with European institutions of the general population. That would apply to other instruments besides the European Union, I would have to say, and other instruments. I suspect that the knowledge of the European Convention on Human Rights in particular is probably greater than that of the Council of Europe as a whole, and I think the fact that individual claims drive that instrument and violations are reported on a regular basis, has served to familiarise itself to European peoples and to, if you like, increase their sense of ownership in that particular text. I observe that while the explanatory report, for example, is certainly helpful to experts and those aspiring to expertise, to others it might only add to complexity. We are always or usually given the text of the charter along with the explanatory report, which is an excellent thing. However, I have heard one legal expert describing the explanatory report as the authentic interpretation of the text. I would ask is this so, can this be so? In a very interesting book by Johannes Morsink on the drafting of the Universal Declaration of Human Rights, he recalls that the original title was “the International Declaration on Human Rights”. It was changed to the Universal Declaration of Human Rights. The idea of that was to move attention away from the authors of the instrument to the readers of the instrument or the end users of the instrument, to those whose human rights were actually enshrined in that particular text. Can we expect a similar process here – that it becomes the property of the users, the property of those whose rights are described therein?

In terms of the actual business of ratification, I think the technical side should get working as soon as possible. This is a first responsibility of the state and there is a role in this for the authorities before ratification. If you want to make the charter useful, I think, as a number of speakers have said this morning, you should consult those who are likely to be affected by it, and not just experts on language and law. The key issues of this are the identification of languages to be protected and the evaluation of existing legislation in practice. There are many cases of states jumping in to ratify a treaty, perhaps to impress their neighbours, and then realising that their legislation was simply not adequate as far as this

particular treaty was concerned. This said, of course, certainly in human rights treaties, the element of idealism in the treaty means in a sense that the legislation is never entirely adequate: there is always work to be done. However, this does not downplay the importance of accurate preparation. An open-ended widely publicised language committee, for example, would be a good way of proceeding pre-ratification. Involvement of non-governmental organisations or other end-user groups is more than helpful. After all, what is the point of a language regime if the speakers are never consulted? This will both increase the accuracy of the ratifying instrument and subsequent state action, and also enhance ownership. In the regional or minority languages field, of course, speakers will often have seen their language attacked and degraded and may regard their community as victimised. My point is that victims usually remember the oppression more than the oppressors do, who prefer to forget, so I think it is important to consult. The result of all this should be a studied ratification instrument appropriate for the stage of language development in the country.

Another duty that follows from this is the duty to inform. This is also present at later stages. The state report must be made public. NGOs will be consulted by the committee of experts concerning the on-the-spot visits and there are other notes of the necessity for information and publicity in the body of the charter, notably in Article 6, which says that the parties undertake to see to it that the authorities, organisations and persons concerned are informed of their rights and duties as actually established by this charter. So it is not just NGOs and activists and governments, but also local authorities and many levels of organisation which will be concerned in the co-operation (the term used repeatedly this morning) in implementing this instrument.

However, I want to ask a few questions about the charter in a little more detail. We are talking about getting the instrument right, getting the ratification accurate, getting the pre-ratification procedure and the post-ratification procedure right, co-operating with the committee of experts, and so on, but what exactly do we need to get right? What guides the authorities charged with preparing ratification and delivering the reports? It is not an easy instrument. Getting it right cannot be detached from the text and the text does not stop at its own boundaries but is inevitably enmeshed in a network of associated concepts.

Let me just take a few points of difficulty I see in the reading of the text, which I think will of course ultimately affect the way a state carries out its responsibilities and the way in which the committee of experts addresses the matter. I would like to endorse very warmly Fernand de Varennes' suggestion this morning about the set of general recommendations. I think these may come in time from the committee of experts. In my own committee, Serd, we have engaged in a fairly long series of general recommendations, including those on such matters relevant to the charter as the notion of self-identification as the member of a group.

We have discussed a general recommendation on indigenous peoples, on the Roma, and many other issues, and indeed on the obligations of the state in relation to the Convention on Racial Discrimination.

Perhaps all I would add to the point about general recommendations, which I think is well made, is that it takes time and the committee of experts will need a good deal of experience over time in gathering up what are the essential issues until they feel in a position to make a pronouncement on those. However, these are, of course, very important works for treaty bodies, and implementing monitoring bodies in general.

I would like to take a few points from the text and the explanatory report. I will first look at the intercultural and multilingual approach – these terms have been referred to this morning – which appear in the preamble of the charter and they come up in some of the other articles as well. I think the idea is for interculturalism and multilingualism to represent general values for whole societies, including persons who are not users of regional or minority languages, and the syntax of the preamble suggests that this is what is indicated. There are references, in the preamble, to Europe based on the principles of democracy and cultural diversity, which is rather inclusive phraseology. So I think it is important that the charter is not interpreted as detracting from the general values of interculturalism and so on in its focus on the particular case of regional or minority languages. The value of intercultural principles as guidelines for integration processes in a rapidly globalising age producing massive population flows cannot be over-estimated. This caveat is necessary because the explanatory report observes that the charter does not deal with the situation of new, often non-European languages which may have appeared in the signatory states as a result of recent migration flows. I think, however, that there are broader endorsements of interculturalism in general, notably in Article 7, but I simply flag that one up, in the hope that the charter is a contribution to the promotion of interculturalism in the broadest sense in particular societies and not simply in those in relation to regional or minority languages as defined in the text.

The second point is discussed quite a lot, that the charter is not an instrument on minority rights but one on minority languages, except I think you cannot entirely detach the two. This is another of my points, that the charter does not work in isolation, it works in a broader context and it does recall the right to use a regional or minority language in private and public life as an inalienable right and so on, conforming to the principles of the International Covenant of Civil and Political Rights and according to the spirit of the European Convention on Human Rights. I do sense that, despite the focus on language this morning, this is a difficult issue and it is ultimately undesirable to keep out these wider matters, because I think it does have an effect on subjective rights. It is illuminating on the question of public life, and indeed the ambition of the charter is extremely broad in this respect. It has the effect of pluralising the public domain to a considerable extent.

On its scope and reach, I have just picked up one or two points. I note the term “languages traditionally used in a given territory”, etc. The charter is intended to distinguish between historical European languages and the languages of immigrants. There is little clarification on this forthcoming from the report, which notes simply that the charter is about historical languages spoken over a long period in the state in question. However, this is rather open-ended. There is no clear dividing line between the traditional and the recent and whatever language was traditional but has ceased to be used in a given territory – what about language subject to recent processes of assimilation? I think therefore any line between the traditional and the recent must logically be modified over the period of life of the charter. To apply the charter otherwise, would be a futile exercise in attempting to freeze linguistic situations.

The second point is on migrant languages. Article 1 of the charter explicitly states that it does not apply to the languages of migrants. Perhaps I won't go through an exact textual comparison of this, but in some ways the explanatory report seems to be taking a slightly narrower view than the charter itself. There are problems: the explanatory report says in particular the charter is not concerned with the phenomenon of non-European groups who have immigrated recently into Europe and acquired the nationality of a European state. This is quite difficult stuff. There are various questions one might ask of this: if non-Europeans are excluded, what of European groups such as migrating Roma who recently acquire the nationality of a state party to the charter? Who are the Europeans and who the non-Europeans? Again, following the previous discussions, there is no indication of when the language can cease to be regarded as a language of migrants. Should we distinguish, as we do elsewhere in the work of the Council of Europe, between recent immigration and long-term immigration?

If we are making distinctions even among those who have the nationality of the state, between those entitled to a language regime and those who are not entitled to a language regime under the charter, it seems that we arrive at the point where norms of non-discrimination on the grounds of language do affect the argument, bearing in mind, of course, that the principle of non-discrimination does not forbid all distinctions, but only indefensible distinctions. One must presume, therefore, that those who drafted the charter thought that the distinctions introduced therein are defensible in this particular case.

Another point is that the charter distinguishes between languages and dialects. All of these points, I would imagine, if we're talking about general recommendations, would be the kind of perplexities that could be clarified in due course and could be the subject of such recommendations. The charter does not concern local variants or different dialects – dialects of the official language of the state are specifically excluded in Article 1. An interesting point made in the explanatory report is that the difference between a language and a dialect depends not only on strictly linguistic considerations but also on psycho-psychological and political phenomena. The report opts for what you might call a process point,

noting that the application of the distinction would be left to the authorities concerned within each state in accordance with its own democratic processes to determine at what point a form of expression constitutes a separate language. This seems to me to allow an extraordinarily wide margin of appreciation to state authorities, and how can the determination of a language dialect phenomenon depend on political phenomena? I therefore think that confusion can arise at some levels here. My point is that the determination of this question and indeed other determinations within the charter do not operate outside a framework of rights. For example, when the language dialect determination limits opportunities for language speakers to the facilities of the charter, minority rights law provides that members of minorities have the right to participate in democratic processes attending on such determinations. The report's references to own democratic processes should not be taken to exclude the application of international standards.

I have commented very briefly on the business of specifying languages for the purposes of Article 3 and the definition of non-territorial languages – that could be another matter for a recommendation. These are matters of some interest. However, to take it on to the broader context, I just want to recall also the provisions on existing regimes and obligations. The charter should not be construed as limiting or derogating from rights enshrined in the European Convention on Human Rights, nor should it affect more favourably provisions on regional or minority languages or the rights of persons belonging to minorities found in domestic law or relevant agreements. I think that allows a host of considerations and may indeed engage the responsibility of the state in searching more widely to ensure that the choices they make in relation to the charter fit comfortably into the general patterns and principles of international minority rights, however much the charter may appear to detach itself from that.

There are many other points I wanted to make but I am conscious that time is marching on. I wanted to make some concluding remarks and give you more idea of what I'm trying to get at. The charter is now part of the corpus of European standards. Its purposes are primarily cultural, and the protection of cultural diversity is a fundamental aim. It does not operate explicitly through individual or collective minority rights but seeks a route to the same objectives through a complex of undertakings by states. Despite that, I think its implementation cannot be detached from the rights instruments, since the prescriptions of the charter are capable of having profound effects on the rights of language speakers throughout Europe. One would hope, for example, for a positive synergy between the work under this charter and the work under the Framework Convention and indeed the ongoing work under the European Convention on Human Rights. The stance of the charter is broadly comparable with that of minority rights texts in that it seeks an improved relationship between public and official languages and the living languages of European minorities. It may be commended for its technical and non-confrontation approach to minority language questions, but on the other hand reservations about minority rights which

may have existed in the early 1990s and the 80s at the time the charter was drafted are perhaps not so pressing at present. Nevertheless, while some states remain very strongly opposed to minority rights, ratification of the charter may provide an avenue to realise at least some minority rights objectives. From its own perspective, the charter goes beyond other instruments in interlacing the public space with a complex of language requirements. Its implementation requires serious and sustained work on the part of state bureaucracies in co-operation with others. Perhaps the principle concern for civil society is that the charter should be worked through in a transparent manner and as far as possible not be perceived as only inter-governmental.

My other point is broadly philosophical. I wanted to remark that migrants are also a part of European society and the charter's focus on languages traditionally used may serve to alienate them. In conceptual terms, there is also the possibility of slippage between the traditional and the new. The charter, however, in my view, is overall an instrument for the good, though one hopes that in time its concept of the good will be broadened. I trust it will not be seen as an instrument for locking the European gates and that its purpose is the benign purpose of putting the speakers of the lesser-used languages more in control of their lives in an age of rapid globalisation and internationalised languages. On globalisation, I broadly agree with the characterisation in Susan Marks' book, *The riddle of all constitutions*, on the dialectal contradictory nature of globalisation, that homogenisation goes along with differentiation, integration with fragmentation, universalisation with particularism. On the other hand, we have Antonio de Nebrija's warning that language is the perfect instrument of empire, so let us hope and imagine that the local, not just the global, can resist and flourish, and that the charter can assist our sense of locality as its familiar and friendly mentor.

Round table

Mr Nils Øivind Helander, Chairman of the Sami Language Board, Norway

Mr Romedi Arquint, President of FUEN (Federal Union of European Nationalities)

Mr Eero J Aarnio, legal adviser, Ministry of Justice, Finland

Mr Nils Øivind Helander

First of all, I would like to thank you for the opportunity to be here together with you and to listen and learn and discuss the topic that is so important for all of us who are concerned with the situation and future of the so-called lesser-used languages.

From a minority point of view, this is of course a relative term, and needless to say, you have already realised that for me, as a minority speaker of the Sami language, English is a lesser-used language.

The European Charter for Regional or Minority Languages is a good political instrument for creating and developing tolerance and respect for languages that have been neglected, and tolerance and respect are fundamental for the whole idea of cultural pluralism. As representatives for minority languages, I think that most of us are grateful for instruments like the charter. The strength of the charter, as I see it, is the active role it plays as in supervising the fulfilling of the aims of the charter. This active attitude is necessary to be able constantly to keep focus on what the whole thing is about, to protect and promote regional or minority languages.

The work on protecting and promoting minority languages, which are safeguarded by international charters and state acts, has to be done in between two extreme positions, forgetting the injustice of the past and reminding the authorities to fulfil the good intentions represented by charters and other language promoting acts. In this respect, I think Article 6 of Part I of the charter is very important. This article stresses the fact that the charter can never become fully effective if the competent authorities and interested organisations and individuals are not aware of the obligations that derive from it. I think this part is very important. The Sami language in the Nordic countries, especially in Norway and Finland, has been protected and safeguarded, and we have been able to promote our language due to language acts which have been in existence for about ten years. In Norway, an investigation has been conducted about the use of the Sami language, and one of the main results of this investigation is that there is still a great deal of work to do to make bodies aware of the obligations of the language laws. We also have an act concerning the use of place names that has existed for almost as long as the language acts, and one of the experiences resulting from this is that there is still much work to do on getting the authorities to be aware of their responsibilities and to act accordingly.

The problem of safeguarding and promoting minority languages is closely connected to the existence of bilingual and multilingualism among minority speakers. Minority speakers are rich as far as possibilities of using many languages are concerned, but not often where the possibility of using their own mother tongue outside the private sphere is concerned. Very often, the situation is opposite for the majority speakers. I belong to the generation that grew up learning that my mother tongue was just a problem if anyone dared to use it outside private life. I am at the same time glad to belong to the generation that has experienced the authorities' change of attitude from regarding minority languages as a problem to regarding them as a richness and value in cultural diversity.

On this background, as Sami speakers, we are grateful for the language acts passed by national governments over the last ten years. We are also very glad that the authorities have ratified the European Charter for Regional or Minority Languages. Our hope is that the charter, as a keystone or harmony between people speaking different languages, will be ratified as soon as possible by all member states of the Council of Europe and that the basic ideas of the charter

will be spread and accepted even further. This kind of wish does not necessarily solve all the challenges and problems concerning language diversity, but I think the basic ideas of the charter will help to find good solutions in a democratic way.

Mr Romedi Arquint

Allow me, first of all, to pay homage to the father and architect of the charter, Mr Ferdinando Albanese, and to express my deep regret at the news of his death a few days ago. In his closing remarks at the first conference, in Strasbourg in 1998, Mr Albanese said that the main task before us was to reconcile protection of Europe's wealth of languages and cultures with efficient communication at the national and international levels. He thought the solution lay in multilingualism.

In Switzerland we have a saying that Switzerland is multilingual but the Swiss are not. A survey of federal administration employees revealed that the largest number of bilingual and multilingual civil servants came from regional or minority communities, that is the Romansh and Italian-speaking communities, with much lower levels of bilingualism and multilingualism in the French and German-speaking majorities. What I am trying to say is that people who speak regional or minority languages are necessarily bi- or multilingual, and therefore prototypes of multilingualism in Europe. However, while multilingualism is something normal for people who speak regional or minority languages, the same cannot be said of people whose mother tongue is a majority language, for whom natural bilingual or multilingualism is the exception rather than the rule.

Efforts to improve awareness and foster multilingualism should therefore focus primarily on people who speak a majority language. The second language they learn should not necessarily be a foreign language.

By way of atonement to them, I should like to quote Todisco's well-known aphorism: "monolingualism is a disease, of that there is no doubt, but it can and must be cured!"

It all becomes clear if you look at the Council of Europe's recommendation on language learning: first language: let us call it the mother tongue; second language: the language of one's neighbours; third language: English. For those who speak a majority language, the language of their neighbours is invariably the regional or minority language.

This principle is therefore one important message the conference could send out; it would doubtless make a valuable contribution to the protection of regional or minority languages.

So fostering genuine multilingualism for all the citizens of Europe is not only a prerequisite for promoting the notion of multilingualism; it can also help to boost regional or minority languages.

In this contribution I shall attempt to highlight two points.

1. The danger of bureaucratisation of the charter by the state authorities

Reading the reports submitted thus far, one cannot help marvelling at the diligent, meticulous work that has gone into them. We have relevant documents concerning the present situation. We must bear in mind, however, that even the detailed instrument we have in the charter does not really describe the exact situation concerning languages. For example: in the Romansh territory there are three localities less than four kilometres from one another where three of the four models proposed in Article 8 for pre-school, primary and secondary education are practised.

We now have an inventory of the regional or minority language situation in those countries which have ratified the charter. The next step should not be to try to perfect this inventory, to make evaluation more efficient, to improve supervision. Instead, I think we should consider the intention of the charter. The spirit of the charter lies not in its juridico-cultural power of supervision and sanction. It should be seen as a means of encouraging on-going dialogue between state authorities and groups who speak regional or minority languages, to minimise the need for Council of Europe intervention. I stress the pedagogic role of the charter. Let me explain.

Although the charter hardly refers to this at all, Article 7 paragraph 4 does advocate taking into account the needs and wishes expressed by the groups which use regional or minority languages and, more importantly, establishing bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

In order to work in a more effective and harmonious manner with the charter, it is essential that the state authorities have sound partners representing speakers of regional or minority languages, partners being the key word. This means two things: giving money both to the groups concerned and to institutional bodies capable of carrying on this dialogue. These already exist in some countries, either in the form of bilateral bodies or of round table or parliamentary-type institutions, for example.

Our organisation carried out a small survey of eleven of its members in seven countries. Only four of these groups considered they had bodies capable of engaging in this dialogue.

I believe that making and publishing an inventory of these institutional structures and the key features they should comprise in order to guarantee this dialogue could be an important contribution by the committee of experts, both for states and for the regional and minority language groups.

2. The other side of the coin

States are under obligation to evaluate and verify the content of the actual articles they have signed in favour of regional or minority languages, and to do everything in their power to enable regional or minority languages to maintain and develop their identity individually and collectively.

It is a well-known fact that one can only live in peace if one is at peace with one's neighbours. While protective and promotional measures are necessary, it is also necessary to create a positive atmosphere around the regional or minority languages spoken in a country. It strikes me as unfortunate that the charter only mentions this in very general terms, in Part II, Article 7, paragraph 3, which provides for appropriate measures to promote mutual understanding and tolerance in relation to regional or minority languages. If we were to produce a new charter today, I would insist on including a special section listing practical measures states were expected to take, with a requirement to sign a minimum number of those measures.

Looking over the replies on this subject, I see a certain perplexity in the general, rather vague responses, which in some cases go as far as to mention the problem of racism and violence by right wing extremists, which, although important, has no bearing on the charter.

The following measures could be envisaged:

On the political level: discuss incorporating regional or minority languages in constitutions and other relevant laws; state information should not focus solely on conflict situations and financial questions. The situation should never be reduced to that of the big brother taking care of the poor, weakly younger brother.

The multilingualism project for the Europe of the future should be a shared political project aimed at fostering awareness of the wealth to be found in the mixture of languages and cultures within each country.

In education: prepare proper textbooks and teaching aids for teaching a country's history (a subject where mention of minorities is made rarely if at all), literature and culture.

In the media, in those countries where the state has a direct role to play: promote news, information and entertainment programmes aimed at a wide audience.

Allow me briefly to mention two examples concerning the situation of the Romansh part of Switzerland. The situation of regional or minority languages in Switzerland is a bipolar one: strong and effective protection because of the position languages – even the smallest ones – occupy in the Swiss Constitution, with the resulting decisions of the federal court on the one hand, and the delegation of responsibility for language issues to the cantons and, in the canton of Grisons, to the municipalities themselves, on the other. Two years ago the municipalities

bordering on the Romansh area decided that Romansh should be the first “foreign” language taught in schools. They were at liberty to choose, democratically, between the languages spoken in the cantons, Italian and Romansh. Three quarters of the municipalities opted not for the major European language but for Romansh!

The second example of innovation in language learning is found at the kindergarten teacher training college in the Grisons canton, where teachers are required to acquire a passive knowledge of the other official languages spoken in the canton.

In the long run, ladies and gentlemen, creating a positive climate among speakers of the official, majority language is at least as necessary as protective measures.

Mr Eero J. Aarnio

Ladies and gentlemen,

The European Charter for Regional or Minority Languages neither establishes any individual or collective rights for the speakers of the languages in question nor authorises anybody to submit a petition to the control mechanism of the charter. Thus, the main actors of international law as regards the charter are the state parties. However, bodies or associations legally established in a party may draw the attention of the committee of experts, which examines the state reports, to matters relating to the undertakings entered by that Party and submit statements concerning the policy pursued by a party.

Furthermore, it should be observed that – as is stated in the explanatory report of the charter – “the obligations of the parties with regard to the status of these languages and the domestic legislation which will have to be introduced in compliance with the charter will have an obvious effect on the situation of the communities concerned and their individual members”. This means that “these players” legitimately may ask to be considered fully in the implementation of the provisions of the charter.

The charter is a dynamic instrument and the parties may, at any time, accept new obligations with regard to languages specified in the instrument of ratification or extend its obligations to an additional minority language. That is the reason why the parties need to follow the situation of the speakers of different languages and to ascertain their expectations. Thus, the states have to maintain a continuous dialogue with the speakers of all minority languages spoken in the country. The obligations of the state should always correspond to the needs of the speakers of different minority languages.

An active civil society is an absolute requirement for a successful and innovative human rights policy. An important contribution to the strengthening of a human rights policy is to deepen the dialogue between governments and civil

society. Non-governmental organisations introduce new topics and perspectives to the debate, collect and pass on information, and draw the government's attention to grievances and development needs. These organisations represent individuals and groups which are often themselves the victims of human rights violations.

Bearing in mind that mutual understanding, constructive dialogue, co-operation, consultation, transparency and confidence-building are important elements in all the activities for the promotion and protection of human rights, the Government of Finland developed in the 1990s a regular system of hearings of groups concerned about human rights matters affecting them.

Civil society has a vital role to play in Finland's regular reporting to the treaty bodies responsible for monitoring existing human rights treaties. The NGOs have been encouraged to contribute actively to the dialogue which the government maintains with human rights mechanisms. In preparing its reports, the government listens to the views of the NGOs and encourages them to send their own shadow reports directly to the treaty bodies. Having received the recommendations of the treaty bodies, the government openly and actively disseminates information on the recommendations of the treaty bodies.

Before going into the ratification and reporting process of the charter, I would like to indicate briefly the factual and legal situation of minority languages in Finland. Finland is one of the most homogenous countries in Europe. About 92% of Finland's 5 200 000 inhabitants speak Finnish as their mother tongue. The amount of foreigners is exceptionally small. There are only about 90 000 foreigners in the country. The four biggest groups are the Russians, the Estonians, the Somalis and the Vietnamese.

The Swedish-speaking Finns are the largest minority in Finland. A total of around 300 000 people or about 5.7% of the population speak Swedish as their mother tongue. Most of them live on the southern, south-eastern or western coasts and on the Åland islands. The legal status of the Swedish-speaking Finns is exceptional compared to that of other national minorities, due to the fact that, according to the constitution, Swedish is, in addition to Finnish, an official language of the country. The provisions on this matter, included back in the Constitution Act in 1919, were supplemented in 1922 by detailed language legislation. Due to the strong status of the language, the speakers of Swedish in general do not consider themselves as belonging to a national minority even if they accept that their group *de facto* is in a position similar to that of the other minorities. The interests and status of the Swedish-speaking Finns and the Swedish language are monitored by the Swedish Assembly.

The Sami or Lapps, as they often are called in central Europe, constitute an indigenous people but at the same time a linguistic and ethnic minority. The total number of Sami is around 7 000. Most of them, about 4 000, live in the Sami homeland in northern Lapland. A majority of the Sami speak their own language,

Sami, but the problem is that there are three different Sami languages spoken in the country. According to the Constitution Act, the Sami, as an indigenous people, shall have the right to maintain and develop their own language and culture. Provisions governing the right of the Sami to use their own language before the public authorities, prescribed by the constitution, are included in a special act of parliament. The Sami Parliament, an elected representative body of the Finnish Sami, looks after the Sami language and culture by taking initiatives and making proposals to the authorities.

The Roma live scattered in all parts of the country. There are about 10 000 Roma in Finland, but some 3 000 of them live periodically in Sweden. No statistic data are collected on ethnic minorities, such as Roma. Therefore the number of Roma can only be estimated. The situation of the Romany language is poor. Most of the Finnish Roma speak Finnish as their mother tongue. However, the Constitution Act guarantees also to the Roma the right to maintain and develop their own language and culture. The Advisory Board for Roma Affairs is responsible for promoting the Romany language.

The Jewish community in Finland consists of about 1 300 persons. Most of them live in the biggest cities in southern Finland. They are normally quite well educated and voluntarily integrated in the Finnish society, but they have remained a religious and ethnic minority. They normally speak Finnish or Swedish as their mother tongue. The use of the Hebrew language is very limited and Yiddish is no longer in use.

The Tatars are a Turkish-related Islamic minority in Finland. The predecessors of this group immigrated to Finland between 1870 and 1925 from the Volga region. There are some 900 Tatars living in Finland, mostly in the capital district. The Tatar language is commonly spoken, but the main language among young Tatars today is Finnish.

The Old Russians are descendants of Russian immigrants who moved to Finland in the late nineteenth and early twentieth centuries. It is difficult to estimate the size of the community, because over recent decades the number of Russian-speaking people has increased remarkably as a result of the collapse of the Soviet Union, the independence of Estonia and growing immigration in general. At the present time, there are more than 25 000 Russian-speakers living in Finland, mostly in the Helsinki region and other southern parts of the country. About 5 000 of them are so-called Old Russians.

Let me now turn to the experiences we have had in preparing the ratification of the charter.

Finland signed the charter in 1992 with eleven other member states of the Council of Europe. A preliminary survey of the possibilities of ratifying the charter was made even before the signing. The outcome of the survey was that there were no obstacles to signing the charter and that ratification could take

place in due course, after a more in-depth study. However, rapid ratification was considered important since Finland had actively participated in preparing the charter.

The Ministry for Foreign Affairs co-ordinated the preparation of the ratification. The ministries concerned and the bodies representing various language groups were heard. The survey was completed in autumn 1994, and Finland was the second Council of Europe member state to ratify the charter in November 1994. Since the national legislation was in conformity with the provisions of the charter, as the provisions chosen were either guaranteed as such or at a higher level in the legislation, the charter was brought into force by a decree. One could describe this kind of incorporation procedure as “taking a photo” of the factual situation.

The first step in the preliminary survey was to study what kind of languages those who drafted the charter had meant. In this respect we noted that the languages protected by the charter could be divided into three groups: regional or minority languages, official languages, which are less-widely used, and non-territorial languages. These languages should be traditionally used within a given territory of the state by the nationals of that state. The concept of regional or minority languages neither includes dialects of the official language nor the languages of migrants.

When identifying the languages and assessing the possibilities of ratifying the charter, the starting point for Finnish ratification was the existing legislation. The authorities concerned went through the legislation in their respective fields and gave their opinion. The language groups also had the opportunity to express their views on which paragraphs should be chosen.

As regards the Swedish language, its position complies with the definition in the charter concerning an official language which is less-widely used. The choice of paragraphs and sub-paragraphs regarding this language was made on the highest possible level, except for the provisions concerning the media. At the time of ratification, Finland declared that it would apply a total of sixty-five provisions of Part III of the charter to the Swedish language.

As regards the Sami language, Finland declared that it would apply a total number of fifty-nine provisions of Part III of the charter to this language, as the only regional or minority language spoken in the Finnish territory complying with the definition of Article 1 of the charter. Thanks to the existing legislation, policy and practice towards the Sami language, Finland was able to choose a great variety of provisions concerning cultural and social life as well as judicial and administrative issues.

To illustrate the special emphasis placed in the Finnish constitution on the situation of the Roma and their Romany language and culture, Finland made, at the time of the ratification of the charter, a declaration to this effect. Finland declared that it undertook to apply the principles listed in Part II of the charter

to the Romany language and to other non-territorial languages spoken in Finland. The purpose of this declaration was the desire to stress the special meaning of the part of the charter for the non-territorial languages to which the precise rules of Part III cannot be applied. The other non-territorial languages, apart from the Romany language, which could be in question as regards the implementation of the charter might be, depending on their factual situation, the Tatar or Russian languages.

As I already mentioned, the charter does not apply to languages spoken by persons who are not nationals of the state. Thus, for example, the Somali, the Vietnamese and the Estonian languages are outside the scope of application of the charter.

It is a question as such whether or not the charter could be applicable to languages spoken in minority-in-minority situations. The Finnish-speaking population of the Åland islands and the speakers of Finnish in monolingually Swedish-speaking municipalities constitute *de facto* minorities in these territories. Personally, I think that these groups are hardly entitled to a minority status, but they may claim that they are subjected to discrimination if they do not have the right, for example, to instruction at school in Finnish. However, it seems to me that the Advisory Committee on the Framework Convention for the Protection of National Minorities is of the opinion that persons belonging to this group could also be given the possibility of relying on the protection provided by the Framework Convention. In a real minority-in-minority situation there are people belonging to the Inari-Sami or Skolt-Sami-speaking groups of the Sami people.

Finland submitted the initial government report to the Secretary General of the Council of Europe in February 1999. The report was drafted by the Ministry for Foreign Affairs on the basis of opinions collected from different ministries and authorities. The organisations representing minorities had been asked to give their opinions on matters dealt with in the draft report. These organisations were the Swedish Assembly, the Sami Parliament, the Advisory Board for Roma Affairs, the Finnish Islamic Congregation, the Jewish Community, the Old Russians and the Advisory Board for Ethnic Relations. An opinion had also been given by the Finnish Section of the European Bureau for Lesser-Used Languages. Furthermore, a hearing was held, and all the parties referred to above were invited as well as the Minority Rights Group–Finland, the Finnish Human Rights League, Amnesty International–Finland and the Institute for Minority Law.

The tradition of a reporting system involving NGOs and representatives of different target groups has proved to be a practical way of spreading knowledge about the convention in question. I would like to point out that the fact that the NGOs “participate” in the drafting of the governmental report does not, of course, in any way hinder them from sending critical reports to the monitoring bodies.

The committee of experts finished its evaluation of the situation in Finland in February 2001. This evaluation was based on information submitted by Finland in its initial periodical report, supplementary information given by the Finnish authorities, information submitted by bodies and associations legally established in Finland and the information obtained by the committee of experts during its “on-the-spot” visit made at the invitation of the Government of Finland.

In September 2001, the Committee of Ministers adopted recommendations to the effect that Finland take account of all the observations of the committee of experts. As a matter of priority, it enumerated a number of immediate measures to strengthen the position of the Sami language in education and increase its use in the media. The use of Swedish and Sami should also be encouraged in the judicial and administrative sectors and in health and social services. Finnish authorities and organisations were immediately informed of these recommendations by a letter from the Ministry for Foreign Affairs. In its letter, the Ministry asked the addressees to disseminate information on the recommendations as widely as possible. The Ministry also issued a press release, and there were several news articles on the recommendations in the newspapers and on the radio.

In conclusion, I would like once more to emphasise that the charter is a dynamic international instrument. The parties are encouraged to use the possibility to notify, at any subsequent time, the Secretary General of the Council of Europe that they accept the obligations arising out of the provisions of any other paragraph of the charter not already specified in its instrument of ratification, or that it will apply the charter to other minority languages on the whole or part of their territories.

So far Finland has not yet broadened the scope of application of the charter, but has, however, on its own initiative, without waiting for recommendations of the Committee of Ministers, started some projects to improve the situation of minority languages.

A committee set up by the Council of State for the total revision of the Finnish language legislation has submitted its proposal and a working group set up by the Sami Parliament has prepared a proposal for strengthening the Act on the Use of the Sami Language before Authorities. Both of these projects are based on the objectives and principles of the European Charter for Regional or Minority Languages.

Thank you.

Session 3

The charter at work – the role of regional and local authorities

Chairman: Mr Ivan Jakovčić, President of the Region of Istria, Croatia

In response to a proposal by Mr Dónall Ó Riagáin to set up a centre for language diversity, Mr Jakovčić indicated that Istria is willing to provide accommodation and initial funding for the centre. Such a centre, set up by the various multilingual European regions, may increase countries' willingness to ratify the charter.

Istria, said Mr Jakovčić was a bridge between western and eastern Europe. "We are convinced that the regions can play a major part in ensuring security in our continent. However, central governments must be willing to listen to the regions. Regional and local societies understand the problems of their own people better than central governments. It is therefore essential that they apply the instrument of subsidiarity to it more often."

The pivotal role of regional and local authorities in relation to the charter

Mr Jean-Marie Woehrling, President of the Institute for Local Law in Alsace-Moselle

That local authorities have a central role to play in implementing the charter principles is not self-evident.

The charter provides for recognition of regional or minority languages which in many respects requires a legislative or regulatory framework that is not itself a local authority responsibility. Such recognition involves accommodating regional or minority languages in areas of public life which tend to come under central government: administrative and judicial procedure; allocation of radio or television frequencies; secondary and higher education, and so on. It is the national authorities which specify the scope of the undertakings a country gives in ratifying the charter as regards Part III, and it is they who frame overall national policy accordingly with regard to regional or minority languages.

The role of local authorities may therefore be felt to be secondary in the matter of policy on an essential aspect of national political thinking – the commitment to cultural pluralism, with language diversity seen as not being incompatible with national unity and national systems, and respect for sense of identity as based on a group's distinctive cultural characteristics.

However, although central government's fundamental role is undeniable as regards the charter's objectives, local authorities have a clear role to play in implementing it. For the charter is not some merely abstract statement of the

entitlements of regional or minority languages. Its emphasis is wholly practical and its concern is with adapting day-to-day behaviour and promoting regional or minority languages effectively.

The charter is not concerned with merely passively mapping-out a formal legal framework. Its basic premise is that such a framework, although in many respects essential, is not enough. There has to be, it says, “resolute action to promote regional or minority languages” (Article 7.1.c). An active policy of this kind only begins to have a real effect when it comes into contact with speakers of those languages, in the communities which local and regional government run.

In addition, the standard case with which the charter is concerned is that of regional languages which, although minority ones, are highly present in certain geographical areas. Although it also deals with languages which do not have any particular geographical location, the charter treats those as special cases, to which a number of its provisions do not apply. While it is possible – as can be seen in Hungary – to have national-level machinery for representing and promoting minority languages present in a scattered fashion countrywide, and while there is a place for such machinery, it lacks the local dimension and the direct contact which only local institutions can have. The action which the charter contemplates, in particular in Part III (except Articles 13.1 and 14.a) but also in Part II (except Article 7.5), is thus action carried out in particular parts of a country where a regional language is in common use. The charter asks that, as far as possible, administrative or political units be matched to language-speaking areas (Article 7.1.b). In other words, local authorities, which are the main example of such administrative and political units, are the standard institutional setting in which local or regional languages specific to a given area must be accommodated. The “resolute action to promote regional or minority languages” will therefore tend to be part of local or regional government’s activity.

This is doubly justified in that in many cases a language is part of a region’s cultural identity, as the preamble to the charter points out: the importance of regional languages is not least that they are the cultural voices of the regions or areas where they are spoken. Catering for them is therefore an important aspect of the strengthening of local and regional democracy, as promoted by the Council of Europe, and it is worth pointing out that the draft charter was the outcome of work by the Council of Europe’s Congress of Local and Regional Authorities of Europe (CLRAE).

A further point is that, in seeking to promote them, the European Charter for Regional or Minority Languages adopts the approach of reconciling their role with that of the national language. The approach is one of multilingualism in which each language has its place and the different language communities are on good terms. Regional and local authorities are especially well placed to achieve this objective of constructively co-existent language communities within a given territory. Institutionally, it is they who have the facilities for achieving the

desired mix of languages and language speakers. It is at the regional and local levels that the national language and regional or minority languages must come together harmoniously.

To achieve the ideas which the charter promotes, there must be proper regard to the principle of local self-government. Local self-government means that even if the charter is not in force at the national level, the local authorities have powers of their own to implement at least some of the measures which the charter advocates. Such action to assist regional languages is in no way dependent on the country's having first ratified the charter. France is a good example of this, even though national law necessarily lays down limits to local-level freedom to promote local languages. Conversely, national ratification of the charter entails action which, partly on account of the principle of local self-government, is for regional and local, rather than central government to carry out. Regional and local government commitment to the cause of regional or minority languages is therefore essential, whether to make up for national non-ratification of the charter or to implement the measures which flow from ratification.

We shall consider three aspects of the local authorities' key role in charter implementation:

- regional and local government organisation;
- action by regional and local authorities;
- strengthening of local democracy.

1. Local-government organisation and regional or minority languages

The charter wants regional and minority languages to be recognised and to have a presence in public life. A priority aspect of this is how local government is organised. Several of the charter's provisions deal with this. Regional or minority languages can be guaranteed social and public existence in particular if they are built into the way regional and local government is organised. This can be done in various ways.

a. Drawing the geographical boundaries of regional and local authorities

The charter wants to ensure that the units of regional and local government should not be an obstacle to promoting regional or minority languages (Article 7.b). It does not of course ask that, where regional or minority languages are spoken, use of those languages be the main criterion in setting the boundaries of regional and local authorities. However, that factor can be taken into account, and should be as far as possible, if there is no serious reason not to. In any event boundaries should not be drawn with the deliberate aim of scattering speakers of a regional language over a large number of local authorities so as to make preservation of the language more difficult.

Experience has shown that there are a number of minority-language support measures that need a well-defined geographical framework. The charter

acknowledges this by confining quite a few of the measures it advocates to “the territories in which [regional or minority] languages are used”. Giving regional and local authorities appropriate boundaries is one way of defining such a territory and drawing strength from it. A language which, nationwide, is a minority one, may, in some local-authority areas, be a significant force or even the majority language and will then be better catered for.

Setting up linguistically or culturally homogeneous units of regional or local government is still perceived in some countries as a threat to minority-language speakers’ membership of the national community. In French constitutional law any move to identify a given territorial unit with a given regional or minority language is treated as a violation of national unity. The preamble to the charter stresses, however, that encouragement of regional languages must not be to the detriment of a country’s official languages or territorial integrity. Without calling these principles into question, it is possible to take into consideration regional or minority languages’ geographical basis in drawing the boundaries of administrative units.

For example, alongside the general-purpose units of regional and local government, it is possible to have special districts for administrative activities that have an important bearing on a regional or minority language. The approach can vary according to the specific case but having a reasonable match between administrative boundaries and a regional or minority language’s geographical base must be recognised as a legitimate concern.

b. Giving regional or minority languages a place in regional and local government representative bodies

Regional or minority languages need a public life as well as a private one, as pointed out in the charter (Article 7.1). Providing them with a public life can best be done at the local level, in those areas where the languages are spoken and by the representatives of speakers of those languages in regional and local public bodies.

This makes it important that, in the regional or local assembly and in the work of the regional or local executive, regional or minority languages be allowed and actually used both in speaking and writing. The charter provides for this in Article 10.2.a, c, d, e and f. A number of countries that have ratified the charter have recognised this, either leaving the matter to the discretion of local authorities or placing an actual obligation on them where there are large numbers of speakers of a regional language. This is the case, for example, in Croatia. Use of more than one language of course has financial implications (for interpreting and translation) but the problems can be solved pragmatically at the local level in a spirit of good neighbourliness between language communities, and in a context of bilingualism interpreting and translation may not always be needed in that the one community will understand the other’s language.

In addition to procedural recognition of this kind, it may be desirable to make special institutional provision for regional or minority languages in regional and local government. In many countries special bodies have been set up within authorities to represent the interests of a regional language and its speakers. Most such bodies have an advisory role, which can be highly constructive: a council representing a regional or minority language is well placed to make proposals to the local decision-making body as to what action to take on behalf of that language and can also keep an eye on the progress of such action.

A more radical approach is also possible: electoral rules can be adapted to guarantee that minority-language communities are adequately represented in the regional or local decision-making body. Examples of this approach are to be found in the countries of central and eastern Europe.

c. Use of regional or minority languages in regional and local administration

Regional and local authorities can set a good example by using their regional or minority languages internally without interfering with the national language's recognised role. (There is provision for such use in Article 10.2.a and Article 10.3.a of the charter). To assist this they can run language courses for their staff.

d. Use of regional or minority languages and original place names on public signs

The point of using regional or minority language names for places, roads and buildings is less the practical one of providing signposting to them, than the symbolic one of publicly acknowledging the existence of regional or minority languages and cultures and preserving historical place names. This is something which is advocated in Article 10.2.g of the charter and which many countries do. In many cases it is at least a minimal recognition of a regional or minority language.

2. Regional or minority languages and action by local authorities

A large proportion of the charter's measures in support of regional or minority languages fall within regional and local authorities' sphere of responsibility, whose extent varies from country to country. A further factor is how much margin for manoeuvre national law allows the regional and local authorities. In some cases national law can be an obstacle to local-authority promotion of regional or minority languages. Logically, any state which ratifies the charter should do away with such restrictions. While the extent of the autonomy and powers that regional and local authorities enjoy is a key factor in the action they are able to take in implementing the charter principles, another factor is the strength of their commitment to regional or minority languages.

a. Local government and pre-school education

Bringing regional or minority languages into pre-school is provided for in Article 8.1.a of the charter. In many countries local authorities have responsibilities in pre-school education. In Finland, for example, it is the municipalities that have responsibility for pre-school facilities and they are required to ensure that pre-schools cater for Swedish and Lappish. Pre-school is particularly important to regional or minority languages: where the children of parents who speak a minority language attend a pre-school that is monolingual in the national language it often spells irreversible loss of the minority language. In contrast, a teaching approach that actively seeks to reinforce the minority language at that age lays excellent foundations for using the language later on in primary and secondary school.

Local authorities can play an extremely important part here by providing nursery and infant schooling in the regional or minority language.

b. Local government and primary education

Primary education in the regional or minority language is an especially important measure which Article 8.1.b of the charter requests.

In several European countries local authorities are directly or wholly responsible for deciding the shape of primary education. It is up to them to use their powers to make primary education available in a regional or minority language.

In many European countries, however, it is not the local authorities who decide the content of primary education. In many cases their role is confined to providing the facilities. Even here, however, there are various kinds of action they can take in support of regional or minority languages.

They can provide material and financial support to private schools or schools run by associations where instruction is through a regional or minority language. Even where primary education is a matter for central government, it is pretty widely accepted that action legally available to local authorities includes support to associations engaged in providing education. When, for instance, the French national education authorities refused to bring in bilingual classes, the municipality of Sarreguemines funded their introduction through a local association.

Local authorities can also offer extracurricular activities in a regional or minority language (drama, music, sport, recreational activities, educational support, and so on). Such activities allow children who speak a regional or minority language to engage in social or cultural activity in that language outside the home, as is essential to keeping the language alive.

c. Local government and secondary/university education

Regional and local authorities with formal powers regarding secondary and university education can continue to provide support at those levels, as advocated

in Article 8.c, *d* and *e* of the charter. In Europe, though, they seldom have direct powers in that sphere. Indirect action is possible, however, even when they lack any direct legal powers, it is often possible for them to provide support at the secondary or university level (for example, by financing special projects, providing additional resources or organising additional educational activities). Support of this kind can be steered towards a regional or minority language. Authorities can also make material available in a regional or minority language or make additional training available to teachers in the language (Article 8.h). Lastly, they can encourage cross-border school exchanges involving regional or minority languages (Article 14.b).

d. Local government and cultural action

This is a sphere in which local authorities in all European countries have legal powers and an important role. This can be turned to the advantage of a regional or minority language through:

- organisation of cultural activities in the language;
- material or financial support to activities of that kind run by private bodies;
- moral and political support for cultural activity in regional or minority languages.

In particular this would include provision for regional or minority languages in municipal or regional libraries, adult-education programmes, theatre productions and assistance to the creative artist. Measures of this kind are provided for in Article 12 of the charter.

Local authorities can also play an important part in promoting knowledge of the history or culture of which the regional or minority language is the vehicle (Article 8.g of the charter).

e. Local government and social action

In most European countries various social provision comes under the local authorities (welfare assistance, mother and child care, care of the elderly, support to people in difficulty, dispensaries, and so on).

In territories with regional or minority languages the local authorities should make sure that their services are available in those languages. This is provided for, in particular, in Article 13.2.c of the charter.

f. Local government and the media

Part III of the charter contains a number of measures to ensure that regional or minority languages are present in the media. Local authorities do not usually have direct responsibility for media matters but they can give a regional or minority language presence in the media their indirect backing by:

- providing material assistance;

- giving moral or political support to applications for frequencies for regional or minority language radio or television;
- arranging technical assistance for a regional or minority language presence on the Internet.

g. Regional or minority languages in local public services

Under Article 10 of the charter there is a requirement that regional or minority languages be used in local public services. This covers not only administrative services (Article 10.2 of the charter) but also services provided by the local level (Article 10.3.a and Article 13.2.b) such as water supply and sewerage. This might include providing client reception in the regional or minority language where desired, giving the language a high profile in the operation of services, and issuing bilingual information leaflets, bills and so on.

h. Cross-border local/regional co-operation and regional or minority languages

Regional or minority languages are frequently in identical use on both sides of an international boundary, and here cross-border co-operation can provide extremely valuable support. Local and regional authorities are directly involved in co-operation of this kind. The charter recognises this. The question is covered by Article 7.1.i in Part II and Article 14.b in Part III. These articles provide that local and regional authorities are to develop cross-border co-operation in matters affecting regional or minority languages. They are also a call to local and regional authorities to take the initiative in this sphere. A good example here would be school and cultural exchanges, and Council of Europe model cross-border agreements are in fact available to local authorities for school co-operation, in particular the promotion of language knowledge (see Resolution 259 (1994) of the Standing Conference of Local and Regional Authorities of Europe).

It is not uncommon for local authorities in a country where a language is in intensive use as the majority language to provide assistance to local authorities in another country where that same language is spoken on a minority basis. Authorities in Catalonia and the Spanish Basque Country, for example, co-operate with French local authorities in the promotion of Catalan and Basque.

i. Direct support from regional or local authorities in a regional or minority language

In the spirit both of the European Charter for Regional or Minority languages and the charter of Local Self-Government, promotion of regional or minority languages is part of regional and local authorities' lawful field of action. Regional and local authorities can use their general responsibility for local matters to provide specific support to a regional or minority language. The approach

can be varied according to that language's circumstances. The following are some examples:

- as local authorities are generally responsible for registration of births, deaths and marriages, they could make sure that newlyweds or young parents are aware of the importance of passing on the regional or local language;
- local authorities can set up a special body to promote a regional or local language, handling for example terminology problems, translation, collection of works written or made in the language, organisation of adult-education courses, and so on.

3. Regional and minority languages and the debate on the changing role of local and regional authorities

The majority of European countries are examining ways of adapting the role of local and regional authorities to the changing needs of populations, the restructuring of government institutions and the growing emphasis on local democracy. There is a universal tendency to seek at least in part to offset the phenomena of globalisation and creeping uniformity by enhancing the role of local and regional bodies. There is an obvious place in this strategy for regional and minority languages and cultures. It is essential to co-ordinate ratification of the European Charter for Regional or Minority Languages and implementation of its principles with a policy of devolution to the regions, decentralisation and consolidation of local democracy.

From the point of view of the charter, support for regional and minority languages should be a key element of the trend towards stronger local and regional structures. Decisions as to how far decentralisation should go, what responsibilities to decentralise and which local institutions should be involved must therefore take account of the requirements of regional or minority languages.

a. Asymmetric decentralisation or special-status arrangements

The practice of asymmetric decentralisation is important here. Since the regional and minority languages issue does not affect all local or regional authorities, an insistence on uniformity of local and regional authority structures should be discontinued and special status given to those authorities which bear responsibility, as part of the task of implementing the principles of the charter, for promoting such languages.

In the context of local-government reforms, therefore, proper implementation of the charter might involve assigning different powers, organisational structure and resources to local and regional authorities according to the responsibilities they are called on to exercise in connection with regional or minority languages. For example, special powers in the fields of culture and education should be given to authorities in zones where regional or minority languages are spoken so that they can take appropriate action, but not to authorities where this language

situation does not exist. Similarly, rules governing the boundaries and size of local and regional authority areas must contain provision for exceptions in order to take account of the existence of regional or minority languages. Thus smaller units would be permissible where they corresponded to zones in which a language was spoken.

This concept already exists in many European countries, where resources specifically for promoting a regional or minority language are made available under special-status arrangements for local and regional authorities whose territory corresponds to that in which that language is used.

b. Participation by local and regional authorities in national policy-making on support for regional or minority languages

In recognition of local and regional authorities' role in relation to regional or minority languages, they should be allowed to participate in formulating national policy on support for these languages since national undertakings and national decisions on allocation of resources and the scope of action obviously affect local and regional implementation.

In terms of the support which they are able to give to regional or minority languages, local and regional authorities may come up against restrictions laid down at national level (in France, for example, these may take the form of constitutional or statutory provisions). Conversely, undertakings entered into at national level in support of regional and minority languages may be stillborn unless they receive local and regional authority backing.

It is therefore crucial that local and regional authorities be involved in the process of debate and decision-making surrounding the ratification and subsequent implementation of the European Charter for Regional or Minority Languages. This participation may come in a variety of forms. At institutional level, local and regional authority representatives could sit on a national body set up to formulate policy on support for regional or minority languages and monitor the charter's implementation.

Whatever form participation takes, it is essential that the national bodies responsible for ratifying the charter confer with local and regional authorities on which languages to recognise and which undertakings to make in respect of Part II. Local and regional authorities must also be informed about the implications of ratification and involved in monitoring the charter's implementation. In theory, once the charter has been ratified the national legislation enacted for its implementation passes responsibility to the local and regional tiers. There is a danger, if the state simply left it at that, as it might be tempted to do, of local and regional authorities not being sufficiently aware of their charter duties. This is why it is important that they participate in the charter's implementation. The committee of experts set up to monitor implementation should therefore also maintain direct contact with local administrations and local councils.

c. Conferring appropriate powers and resources on local and regional authorities for the support of regional or minority languages

As part of the reorganisation of local and regional bodies to reflect the aims of the European Charter for Regional or Minority Languages, many countries will need to strengthen the powers and resources of their local authorities, especially in the following areas:

- education, which often continues to be organised at national level, leaving little room for local or regional initiatives. This situation is not really conducive to catering for regional or minority languages. Local and regional authorities where these languages exist should therefore be granted special powers in the field of education so that they can make properly tailored provision;
- local radio and television, where privatisation has brought new broadcasting companies into existence which are largely indifferent to what are usually numerically small language communities. A return to some public control in order to provide support to regional or minority languages would be welcome. Local and regional authorities are best placed to take on such a role;
- transfrontier co-operation: as already mentioned, many regional and minority languages are spoken on both sides of a national border, and transfrontier co-operation can therefore be an effective means of promoting them. Local and regional authorities should be given suitable legal and administrative instruments with which to develop such co-operation;
- financial resources: those local and regional authorities which have a duty of support to regional or minority languages bear a corresponding financial and administrative burden. It is therefore essential that they be granted special resources. National solidarity is needed in support of regional or minority languages so that the promotion cost is not borne solely by taxpayers in the areas where the languages are spoken. When the charter is ratified an assessment should be made of the cost to local and regional authorities of measures to support the languages targeted, and suitable arrangements should be made for funding;
- recruitment and training of local and regional authority staff: national regulations sometimes hinder local and regional authorities in their efforts to recruit staff with the linguistic skills necessary for a policy of actively providing services in the regional language and promoting its use. In some countries, for example, the insistence on proficiency in a regional or minority language is seen as discriminatory and as an obstacle to transferability of administrative staff. There is understandable concern that requiring proficiency in a regional or minority language might limit access to certain government jobs. However, solutions which are both balanced and reasonable can be found and should be considered by national government;

- publication of official documents: central government could make local and regional authorities responsible for producing official documents and forms (including those issued nationally) in the relevant regional and minority languages.

It can be concluded from these various observations that local and regional authorities do indeed have a key role to play in implementing the principles contained in the European Charter for Regional or Minority Languages. However, in order to convert this aim into practice two conditions must be met:

- local and regional authorities must themselves be committed to this role and take steps to promote actively regional and minority languages. The decision whether or not to do so is entirely in their hands;
- central government must involve them in every stage of the charter “process” – from decision-making on the conditions of accession to implementation. It must provide them with a suitable legal and administrative framework and ensure that they have the necessary resources.

One way of better acknowledging the essential role of local and regional government in this field might be to produce a local and regional authority version of the European Charter for Regional or Minority Languages to which local and regional authorities could sign up. Governing the action of local and regional authorities of Europe to promote regional and minority languages, such a “charter” – proposed by the Council of Europe for signature by the municipalities and regions of Europe – would reiterate those principles and measures contained in Parts II and III respectively which specifically relate to their powers and responsibilities. It would enable authorities to “solemnise” their attachment to the promotion of regional and minority languages; it would also indicate which local and regional authorities were truly committed to exercising their key role in the protection of these languages.

Round table

Mr Bertus Mulder, Member of the Provincial Government of Friesland

Mr Donald Martin, Acting Chief Executive, Comunn na Gaidhlig and Secretary of the UK MSC of EBLUL (European Bureau for Lesser-Used Languages)

Mr Tony McKenna, Member of the Committee of the Regions of the European Union

Mr Bertus Mulder

The Frisian language is the second official language in the Kingdom of the Netherlands.

Nowadays, 55% of the 630 000 inhabitants of the province of Friesland see Frisian as their mother tongue. Some more figures: 94% of the total population

understand Frisian, 73% can speak the language, and 65% of the population can read the language. As regards the writing of Frisian, a much lower percentage is shown: only 17% are able to write Frisian. Although the two languages, Dutch and Frisian, have a legally equal status, the common language in education, administration, justice and economic life in general is Dutch. So, the Frisian language is merely an oral community language.

In ratifying the European Charter for Regional or Minority Languages in 1996, the Dutch Government confirmed its commitment towards the preservation and promotion of the Frisian language. In June this year, the new covenant between the central government and the Province of Fryslan was signed. This third covenant is structured along the chapters of part III of the charter. So the covenant can be considered as the implementing instrument at national level of the charter as regards Frisian.

In his keynote speech, Mr Woehrling referred to the role of regional authorities to undertake “resolute action to promote regional or minority languages”. As a member of the Friesland Executive, I am proud to say that Friesland is a good example of a regional authority which is dedicated to protecting and promoting the Frisian language and culture. The province has assumed primary responsibility for the Frisian language and is spending several million euros annually.

To demonstrate the role of the regional government in the language planning process I will give you an outline of some examples of what we consider as “good practice”. I will give you examples from the fields of pre-school education and health care. Pre-school education is a growing area, not to say a booming business nowadays. The association of Frisian-medium play-groups has set up a dozen playgroups and recently a bilingual nursery provision has been created. Also in the other 200 playgroups, Frisian is in use for singing and reading aloud, however incidentally. The use of the Frisian language is thus common and widespread. The same situation occurs in health-care institutions, where in general inhabitants are welcome to speak in their own language. The managers of these institutions are never confronted with language conflicts and, as a result, they very often don't see the necessity to develop language planning programmes.

However, for reasons of future preservation of the language legal measures seem essential. In that respect the committee of experts, in its reports on the Netherlands' implementation of the charter, has stated that the undertaking concerning pre-school education has not been fulfilled. The committee recommends to make available a substantial part of pre-school education in Frisian. The provincial government expects that a relevant language paragraph will be included in the new bill on the quality aspects for pre-school education. In respect to health-care, the province agrees with the findings of the committee of experts that there is an urgent need for Frisian-speaking staff in social care institutions but there is a serious lack of funds to provide the necessary training.

As regards the use of Frisian in radio and television, I'm happy to tell you that the regional broadcasting company, Omrop Fryslân, is broadcasting eighteen hours per day of radio programmes and one hour a day of television at prime-time in the Frisian language. Figures show that the Frisian programmes are the most watched compared to other regional programmes in the Netherlands. Frisian people consider Omrop Fryslân as their "own" station and an essential part of their cultural life. The newest development is a daily digital edition of the Omrop Fryslân programmes on the Internet.

This combines broadcasting with a "newspaper on the screen". From the point of view of language planning, the important effect is that the Frisian language is becoming more visible and people get more used to reading the language. However, the provincial government is aiming at a complete broadcasting programme including news, education, drama and films. Therefore it is essential to have access to relevant national funds.

In the twentieth century Frisian language policy has been developed within the borders of the national state. The charter, however, presents the opportunity to evaluate the language planning programmes from a European point of view. These "European eyes" are also tools to compare the situation in the home country with situations abroad, both in neighbouring countries and in applicant member states of the European Union. It is known that in the accession dossiers of the applicant member states reports are included concerning language rights as part of human rights. During the reading of the bill on the ratification of the charter, the Dutch Government explicitly considered the charter to be an instrument to create more stability in central and eastern Europe.

The charter itself and its implementation procedures are aimed at developing European standards concerning the preservation and promotion of minority and regional languages within Europe. The above-mentioned European standards can be considered a tool or criterion for the accession procedure. However, from the report of the committee of experts, one might conclude that also at home improvements need to be made with regard to the actual situation of the Frisian language policy and language use. Therefore, the provincial government of Fryslân expects that the national government will take seriously the recommendations of the committee of experts of the Council of Europe, first and foremost in the fields of education and broadcasting. In this respect, however, the European standards need a more detailed description, for example the interpretation of the wording "substantial part" and "integral part" of the curriculum. Secondly, what is a common standard with regard to the number of hours of broadcasting in the regional or minority language?

With these examples I have shown you the daily practice and the policy of the provincial government towards the Frisian language. The position of the province being in between national government and local communities is essential. So far the covenant is the instrument for the implementation of language policy. One might ask, however, whether this Covenant can be presented as a

useful model for other member states. Although the covenant is a valuable instrument for co-operation on a national and regional level, and an expression of shared responsibility, one might question whether this instrument in the long-term will prove a strong enough instrument for the set goals. Another restriction is the legitimacy of the covenant: neither the national parliament nor the provincial assembly had any formal say on the covenant. They only get an annual report on the implementation. So the question arises: will this covenant maintain its value throughout the next decade, or will it – in the future – have to be replaced by a language act?

Mr Tony McKenna

Ladies and Gentlemen,

May I begin by saying how delighted I am to be here at this conference, organised by the Council of Europe in association with the Dutch Ministry of the Interior, with the aim of further promoting the European Charter for Regional or Minority Languages and more importantly focusing on how the charter can be effectively implemented and embraced positively. I am personally involved in a number of organisations in my own country to help protect and promote the Irish language, but I am here today in my capacity as a member of the EU Committee of the Regions and specifically to comment and respond on the keynote speech presented by Mr Jean-Marie Woehrling.

Firstly, may I thank Mr Woehrling for his paper which I feel is a very valuable contribution to help highlight the work that local and regional authorities do in the field of minority and regional languages and also for outlining for me some areas where there is still potential to get involved. From the outset I must underline his sentiment that the charter is not, and must not be seen as, a passive instrument. However, the value and contribution of the charter to help promote and protect regional and minority languages will only be as good as the commitment that signatories have to it and its objectives, and I must say that local and regional authorities are a vital component in this process.

Before I go further to comment directly on the paper, I would like to draw your attention to the work that we have recently undertaken in the Committee of the Regions and which has some relevance for today's subject. I, along with my colleague from the Basque Region Mr Munoa, earlier this year drafted a Committee of the Regions' opinion on the protection and promotion of regional and minority languages.

Given our different experiences in terms of how our languages are defined, used, promoted and preserved, we had some different objectives for the opinion. Coming from Ireland, I have a concern as to how the Irish language is defined in the charter (it is a national language as recognised in our constitution but its definition in the charter undermines its status domestically). It was therefore important for me to seek the development of a significant European dimension

to protect these languages and explore on what treaty basis we could recommend that a multi-annual programme of support be established to promote and safeguard regional, minority and lesser-used languages.

The opinion – main points

The final outcome of our deliberations and discussions has, I think, produced a very valuable opinion. Copies of the opinion are available on the Committee of the Regions' website. Looking at the content of the opinion it is maybe appropriate that I mention some issues which I feel are important. In particular:

- Point 1.10 where we ask the Council to consider extending Qualified Majority Voting (QMV) to Article 151(culture). Such a move would make it considerably easier to introduce a broader based programme of support for regional or minority languages, which would not just be based on the more restrictive Article 149 and educational issues.
- Point 2.4 follows on from the QMV issue and recommends that the Commission establish a multi-annual programme to promote and safeguard these languages.
- In Point 2.5 we urge the Commission to ensure that regional and minority languages are integrated into all current EU programmes, and we highlight in the opinion a number of these programmes which can have a significant impact. This is crucial in helping to ensure that these languages continue to be everyday working languages.
- Point 2.8 of the opinion asks the Commission to support a research project to collect precise, reliable and up-to-date information on Europe's socio-linguistic development. This we feel will help inform policy development and monitor the progress of initiatives and the institutional involvement in the field of language promotion.
- In Point 2.11 we call for the establishment of an Inter-Institutional Task Force on the protection and promotion of regional and minority languages. Of course we would like that the Committee of the Regions be a fully-fledged member of such a task force and ask that the European Parliament support both these requests.
- Finally in Point 2.13, the opinions asks that the issue of regional and minority languages be placed on the agenda of the next Intergovernmental Conference (IGC) to ensure that these languages receive the appropriate recognition in the treaties of the European Union.

The opinion contains a number of other recommendations such as the need for an evaluation of the European Year of Languages and its effect on regional or minority languages, but as importantly it calls upon all local, regional and national authorities to promote the use of minority and regional languages in the cultural production, audiovisual media and press as the most appropriate means

of disseminating rich language models, as well as the provision of educational materials and lifelong learning.

Some issues in the paper

However, as part of our discussion today there are a number of other issues which must and will be considered and for which I have more questions than answers.

1. Local and regional authorities, depending, of course, on the national context within which they operate, are often confined by national priorities and financing structures but are increasingly responsible for implementing European policy locally. In terms of language protection, the importance of action at the European level is essential as often national governments encounter difficulties in implementing effective policy measures to protect and promote regional or minority languages, even when they are committed to doing so in principle. They may have difficulty in assessing the implications of their commitment, either in general terms or in terms of the cost-benefits of implementing a specific policy. Evaluation at the EU level can assist in comparing, and best practice guidelines can be drawn-up in terms of policy selection and approaches in terms of implementing policy and learning from good and bad initiatives.

However, a drawback to taking a EU perspective is that very often language policy measures have to be tailored to the precise circumstances of each language, making it impossible, in most cases, to formulate general guidelines.

One of the other problems arising from the creation of a wider European Union will be that the use of language will have to be restricted in terms of officially recognized languages. The rationalization in the use of languages is based on the nation-state, the concept of the people being represented by the state. The question could therefore be asked if the increasing importance and pervasiveness of the EU is good for regional and minority language development in the long-term?

2. We must also be careful to avoid any suggestion that some languages are more deserving of protection and promotion than others, and avoid exclusivity. Mr Woehrling's paper rightly cautions against this. I suppose this in a way derives from the difficulty of classifying languages and the different status, within both the national and EU frameworks, that regional and minority languages have. Can minority languages be classified on the numbers of people using the language? Is it just linked with the notion of "territory"? Here I think Mr Woehrling's paper takes the right line, but this issue needs to be treated sensitively as many boundaries are relics of historic circumstance. What other factors should be taken into account? There are differing views on this but I know that local or regional authorities also have to deal with the practical day-to-day implications, such as how best to provide services to citizens.

3. In this regard there will be a need to deal with the issue of immigrant languages. This is becoming an increasingly important issue with the increase in the number of immigrants and asylum seekers entering the EU. For many regions and local authorities, which are direct service providers there is an obligation to deliver services to people in a language that they are comfortable with. There are many issues here that local authorities and regional authorities and agencies may have to address, such as linguistic training for some staff, translation procedures for documentation and forms, signage, etc. The charter does not provide for these languages at present but to be accommodating we may need to be more flexible in our use of language and also in our definition and concepts of regional or minority languages.

4. A further question is whether policies for regional or minority languages should also apply to sign languages. Many minority language users also use sign language to communicate. This needs clarification.

5. Another important role that an EU dimension can help deliver is by ensuring the maintenance of regional or minority languages through education and through promotion of inter-language contacts. There are already a number of existing EU programmes in this field, such as Erasmus, and the paper by Mr Woehrling rightly outlines the role that local and regional authorities play in this field.

6. The pervasiveness of information technology, and globalisation generally, is a massive threat to maintaining regional languages. However, there is also potential in using IT to promote the use of a language. There have been a number of pilot projects to develop the necessary software applicable to minority languages and more developments are necessary to facilitate the teaching of new technologies in schools using minority languages and to increase the existence of minority languages on the Internet. There is a definite role here for local and regional authorities that could be enhanced.

I must also add a bit of realism into any potential role that local and regional authorities can play. They are responsible for providing many public services and other duties with a customer service approach and the majority do so with limited resources and other constraints. While it does come down to issues of autonomy and commitment it must be recognised, that from my own experiences at least, we are often confined in our actions by the national context within which we operate. That said, the language of a people must be in use in all activities that affect them. We must be careful that language diversity is not used as a symbol of the difference between groups and help mark out boundaries between peoples, but that in the future Europe's regions can maintain their linguistic diversity and underpin the cultural strength of the new European Union.

Thank you.

Mr Donald Martin

Mr Chairman, Ladies and Gentlemen,

Could I follow the excellent example set by Tony McKenna and use a few of my mother tongue words, from the Gaelic language of Scotland which I learned as my first language in the Western Isles. I thought it was appropriate to come to a conference here where we are talking about minority languages and hear at least one or two minority languages in practice. I have a big ambition, and that is that I, along with every other minority language speaker in Europe, can come to a conference like this and be able to communicate through our respective minority languages. I think it needs more than the provisions of the current charter to achieve that aim.

I have been asked to present a case-study of the charter at work in the United Kingdom, in my role as Secretary of the United Kingdom MSC of the European Bureau of Lesser-Used Languages. The UK committee is responsible for minority languages in four areas. In Scotland, there were 67 000 Gaelic speakers at the 1991 census. We are waiting for the census report for 2001 and unfortunately it looks as if the figure will be much lower than 67 000. We are hoping that it won't go down to the critical figure of 50 000, but we are still continuing with our efforts to ensure that the language receives recognition and support from central government. In addition to the Gaelic language, which is prescribed under Part III of the charter, we also have the Scots language in Scotland under the provisions in Part II, and we reckon that there are about one and a half million Scots speakers in Scotland.

I should also mention that today is very significant for Scotland because 30 November is St Andrew's Day. Unfortunately, they are not rich enough here to offer you a whisky each at the end of the conference, but in recognition of St Andrew's Day when you're having your first drink and your last drink today, you could say "good health" in Gaelic, when you're sipping your whisky.

We now move to Northern Ireland, where there are two languages recognised by the European Bureau: Irish Gaelic, very similar to the Scots language – in actual fact, Scots Gaelic is a cousin of Irish Gaelic – and there are considered to be 142 000 speakers of Irish in Northern Ireland – and Ulster Scots, which is again very similar to the Scots language: 100 000 speakers. Gaelic comes under Part III of the charter and Ulster Scots comes under Part II.

The Welsh language in Wales does have more legal support, and a stronger legal status than any of the other languages in the United Kingdom. Welsh speakers have a Welsh Language Act, they have their own broadcasting service and they have the Welsh Language Board. There are reckoned to be 508 000 Welsh speakers in Wales, which are again figures from the last census.

Finally, the Cornish language is not at the moment represented under the provisions of the charter, although the Cornish interests and Cornish bodies have

made representations to the UK Government to get it included and the government is at the moment undertaking a review of the situation regarding Cornish. That review was undertaken last year and the conclusions are currently the subject of consultations within Whitehall departments. So, we have five minority languages represented under the provisions of the charter. Cornish is currently excluded.

Can I now go on to explain the structure at national and regional government level in the UK, to put into context the responsibilities of each of the agencies. The Westminster Parliament obviously approves decisions like the signing and ratification of the charter. This is co-ordinated by the Foreign and Commonwealth Office (FCO) in London, which delegates the specific tasks in relation to the territorial regions to the various offices and parliament in the case of Scotland and assemblies in the case of Northern Ireland and the Welsh Assembly.

Let's have a look at Northern Ireland and the detailed arrangements that have currently been provided in relation to the implementation of the charter. In Northern Ireland, the government has signed up to thirty paragraphs which refer to the devolved powers of the Northern Ireland Assembly and six paragraphs in relation to the powers retained by Westminster. An inter-departmental steering group was set up to determine which provisions should apply and be implemented. This steering group was coordinated by the Department of Culture, Arts and Leisure with representatives of all the central government departments in Northern Ireland. They are currently preparing guidelines which will be approved by the Executive and which will then be issued to government departments, local authorities and public bodies. The executive will be responsible for ensuring full implementation of the charter's provisions.

We heard earlier on today that the charter could be used as a very important instrument in formulating conventions, laws and regulations relating to minority languages in member states or sovereign states. I think we have a very good example of how this has operated in relation to Northern Ireland, because at the time the UK Government was considering signing the charter, the Peace Agreement (the Belfast Agreement) was being prepared and an important part of that agreement was the provision of the language and the rights of minorities in Northern Ireland. Because of the wording in the charter, the agreement has a relevant section which recognises the importance of respect, understanding and tolerance in relation to linguistic diversity, including, in Northern Ireland, the Irish language, Ulster Scots and the language of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland. There are also provisions in relation to taking resolute action to promote the language in accordance with Article 7.1 "to facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand and to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language". A very important provision which has been included in the agreement is the placing of a statutory

duty on the Department of Education to encourage and facilitate Irish-medium education in line with current provision for integrated education. So I think that gives us an example of the existence of the charter and how it has been used by the UK Government to strengthen the rights of minority language sections and communities in Northern Ireland.

In Wales, fifty-two paragraphs have been signed up under Part III and the action taken so far has been delegated to the Welsh Language Board, which, as I indicated earlier, has a range of powers to promote, encourage and persuade public authorities in Wales to, for example, prepare language schemes. The Welsh Language Board wrote to public bodies about the charter, drawing their attention to the report on implementation. A letter issued to the public bodies was approved by the Minister of Culture for the Welsh Assembly and the actual process for reporting and implementing is still to be determined. Information on the charter will be made available on the Welsh Language Board website. Some of you may know that Emyr Lewis has been appointed as the UK member on the committee of experts. However, there has been very little local government involvement or action in Wales and the reason for this was that the entire fifty-two paragraphs specified in the charter were already applied in Wales because of the provisions that were already made through the Welsh Language Act, the Broadcasting Act and the activities of the Welsh Language Board.

In Scotland, there has been very limited action and publicity. The Scottish Executive is coordinating and leading on this, but as far as I was able to ascertain, there are no guidelines as yet issued for local authorities or public bodies. In fact, as far as the Gaelic language is concerned in Scotland, there was only one new provision that the charter provided for users of Gaelic, and that was the minimum provision that had to be selected out of the judicial authorities section in the charter. The Scottish Executive agreed that they would designate three courts in the Gaelic speaking areas of the Western Isles and Skye where if a person was asked to be called for a civil case in Stornoway, Lochmaddy and Portree, then they had the ability to use Gaelic on request. The only problem with this is that this provision has not been publicised, so nobody knows about it. If people in Stornoway, Lochmaddy and Portree are called up to a civil court at any time, they are not told that they have the right under the provisions of the charter to ask for the proceedings to be conducted in Gaelic, which is a very strange situation to be in. I have been talking to people at the Scottish Executive and they say that they have no proposals at present to do much more than they have already done and that was simply to send out a newsletter some months ago to indicate that this was a facility that was available. So it will be very interesting to see what their reaction will be when they are asked to prepare information for the monitoring report which is due next year.

As for Cornwall, as I have indicated, there is no decision to include it within the charter and a review is being undertaken which is still the subject of Whitehall consultations.

The government indicated its decision to sign the charter in March 1998 after a great deal of representations from bodies including the European Bureau of Lesser-Used Languages, its UK committee and its various sub-committees. The decision to sign the charter was taken in March 2000, and in March 2001 the decision to ratify the charter was approved. The provisions came into existence in July 2001 and these provisions were simply notified through press releases to the general public. As I have indicated, the Act of Court was introduced in relation to Scots Gaelic, but no further publicity, the Welsh Language Board undertook an information campaign in Wales and the interdepartmental group is currently preparing guidelines for the Irish Gaelic and Ulster Scots provision. Since the provisions of the charter have only been operational for less than six months, very little appears to have taken place. Certainly people at grass-roots level are not aware of the fact that there is this additional provision, for example for Gaelic speakers in those three areas in the Western Isles and Skye in relation to court proceedings.

I don't want to be too harsh, but there are a number of concerns, that bodies like the European Bureau and MSC UK have although the provisions have only been operational since July, , in relation to the lack of publicity for public bodies and the public in general on the provisions of the charter, the lack of access to information on the charter for the public, the lack of information on how complaints against non-compliance with the charter can be followed through and what penalties, if any, can be imposed. Indeed, do individual members have the facility or the opportunity to complain against authorities, local authorities, public bodies, and central government bodies if they feel that the provisions of the charter are not being complied with? There is a feeling that there is a lack of information on the role of the committee of experts and the procedure being adopted by the committee in preparing the reports on implementation. If, as has been indicated earlier on, that information is made available on the website, then that is certainly one way of informing the public of what the process is in relation to the committee of experts.

So there is a general feeling that the UK Government's decision to ratify the charter is not being followed through by positive action to ensure its effective implementation.

Turning now very briefly to the role of local and regional authorities, as we heard earlier, there is obviously a very important role for regional and local authorities to play in relation to implementing the provisions of the charter, for a number of reasons. They are local democratic bodies close to their communities, delivering a wide range of public services to their communities. All public statutory bodies have the power to normalise minority language provision as part of their overall functions. They have better knowledge of the needs of minority language speakers within their areas. They can plan for services and provide for services, providing, of course, they get adequate resources, because that's something that was referred to by Tony McKenna. They are responsible for a major

service in promoting a language, and that's through the education service. Normally, local authorities are the ones that have the prime responsibility for that, although I know that this varies in some areas, and in some countries. They have actually an advocacy role, persuading bodies such as media providers and the judiciary, cultural, economic and social organisations to promote the language. They have democratic accountability which gives them a legitimate lead role in implementing the charter's provisions with the ability to provide resources to assist with the implementation. Regional and local authorities can only fulfil their role effectively if they get the necessary level of support and resources from central government. There has to be commitment and will from the top layer of government to enable regional and local authorities to play the pivotal role in relation to the charter which has been outlined in this session.

Saturday 1 December

Chair: Mr Moreno Bucci, Member of the Congress of Local and Regional Authorities, Council of Europe

Intervention by Mr Sigve Gramstad, Chair of the Committee of Experts of the European Charter for Regional or Minority Languages

The work of the Committee of Experts of the European Charter for Regional or Minority Languages

I will in this intervention outline the terms of reference and working methods of the committee of experts. However, before that I will give a brief description of the status of our work so far.

Status

Fifteen countries have ratified the charter. There are thirty-two languages for which Part III applies (thirty-one if Burgenland Croatian is identical to Croatian). Many languages are found in more than one ratification. Hungarian is the most frequent language, found in four ratifications, while Italian, German and Sami are found in three states. However, twenty languages are only protected by one country. This illustrates the linguistic diversity in Europe. It illustrates the importance and value of each ratification in the protection of the common European linguistic heritage.

The Committee has adopted seven reports on the application of the charter in the following countries: Croatia, Finland, Hungary, Liechtenstein, the Netherlands, Norway and Switzerland. The Committee of Ministers has adopted recommendations to be addressed to the states in accordance with the proposals from the committee of experts.

The Committee is presently working on national reports from Germany and Sweden, and the initial national reports from Denmark and Slovenia are expected early next year. Next year we also expect the second report from some of the countries.

The ratifications as a whole illustrate that the individual situation of the various regional and minority languages have been taken into consideration. Let me give you an example. One of the key undertakings in the charter is Article 8 paragraph 1 on education. It contains twenty-five different options. All those options have been applied by one or more of the ratifying parties. This indicates that the national authorities assess the concrete situation of each language and ratify accordingly. Hopefully, that will lead to more ambitious undertakings as the situations for the languages are being improved.

The terms of reference

The committee of experts consists of as many members as there are ratifying countries. The Committee of Ministers appoints one member from each country, based on a list of three nominees made by the relevant authorities in each country. The candidates shall be “of the highest integrity and recognised competence in the matters dealt with in the charter”, as it is stated in Article 17 paragraph 1. The members of the committee are appointed for a period of six years and shall be eligible for reappointment.

The Committee shall adopt its own rules of procedure.

The committee of experts shall examine national reports on the fulfilment of measures undertaken to protect and promote regional or minority languages in the country concerned.

Each ratifying country has to submit its first report within a year after the charter has entered into force in the country, and thereafter reports on a three-yearly basis. The national authorities shall report on the policy pursued in accordance with Part II of the charter and on measures taken in application of those provisions of Part III which have been chosen.

Article 16 of the charter regulates the examination of the reports. Instead of quoting the article, I will list the working methods of the committee. Our methods are of course in full conformity with the charter, but they are far more detailed, and fill out the regulation in Article 16.

When a state party to the charter presents a report to the Secretary General of the Council of Europe, the report is sent to the committee of experts for examination. The work of the committee of experts can be viewed in five stages:

The committee has a first reading of the report. The reading usually ends up with a number of questions which will be forwarded to the country. There may be a need for additional information or for clarification of information given. The committee appoints a rapporteur and a working group for each report.

The working group visits the country. These visits have proven very important for the work on the reports. The working group conducts meetings with representatives of the authorities at local, regional and state level, with non-governmental organisations and with the actual users of the languages in question (teachers, judges, mayors etc).

The on-the-spot visits often lead to additional information in written form from associations representing regional or minority languages.

On the basis of the national report, the answers from the authorities to the questions from the committee, the information gathered through the on-the-spot

visits and comments from the associations representing regional or minority languages in the country, the committee discusses and adopts a report on the implementation of the state's undertakings. The report ends with a proposal for recommendations that the Committee of Ministers may consider addressing to the state in question.

Before being presented to the Committee of Ministers, the adopted report is sent to the state, in order for the authorities to give any comments they wish on the report within a set time-limit. Any comments are appended to the adopted report and finally it is forwarded to the Committee of Ministers, which examines it and adopts its recommendations.

The detailed structure of the charter has facilitated the work of the committee of experts in many ways. Firstly the charter provides for a clear definition of regional or minority languages, thereby identifying the object of protection. Secondly, each state identifies the concrete obligations in relation to each language and the territory where the obligations shall apply. This structure has made it easier for the committee to verify whether the undertakings chosen by the state have been fulfilled or not.

During the meetings with the state authorities, which usually take place at the end of each on-the-spot visit, the discussions have been open and many crucial issues have been clarified. At the same time the delegation of the committee has had the opportunity to consult with the authorities on matters that have been brought to its attention during the visit itself. I will underline the positive, constructive and fruitful co-operation the committee has had with national authorities at all stages of its work, as well as the contributions from NGOs. The committee welcomes even more contributions from NGOs and from users of the regional or minority languages.

The adopted reports stand in their own right. They present the linguistic situation in the country, they outline the particular issues in the evaluation and the detailed examination of the obligations. In addition to the recommendation that the committee of experts proposes that the Committee of Ministers addresses to the country, the report itself contains smaller observations which may help and guide national authorities in their ongoing work to protect and promote the languages in question.

The charter is conceived in such a manner that it is to be monitored by the Council of Europe, its member states and the general public. The periodical national reports are made public by the state parties in accordance with Article 15 paragraph 2 of the charter. The Committee of Ministers may also decide to make the report of the committee of experts public in accordance with Article 16 paragraph 3 of the charter.

The committee of experts strongly advised the Committee of Ministers to do so, for the following reasons:

In its information gathering the committee of experts has received input from various sources. It is necessary to ensure the continuing efforts to monitor the charter's application in co-operation with these sources. Therefore the publication is crucial in order to inform them of the results of their work and the work of the committee of experts.

The reports contain valuable information which can be used for the benefit of the member states and the general public.

For the sake of open dialogue in a democratic society and public access to information.

As I mentioned above, the Committee of Ministers shared our opinion that the reports should be made public.

The committee of experts has been very conscious of the importance of treating all countries equally. That was the main reason behind forwarding a number of reports to the Committee of Ministers at the same time, giving the Committee of Ministers the opportunity to compare the evaluation of a number of countries.

The recommendations addressed to the states should, in the view of the committee of experts, be constructive, encouraging states to take further steps to improve the situation of regional or minority languages in their states. The recommendations so far have been rather general in character, but designed to give states the opportunity to apply more specific measures, depending on the national situation, in order to take into account and to follow up the recommendations. The recommendations are not supposed to function as specific instructions to the states, but should give the states the possibility of improving the fulfilment of certain obligations in the charter in a manner they consider appropriate. It is nevertheless highly probable that recommendations gradually will become more detailed.

The committee of experts has attached great importance to making its examination as comprehensive as possible within a reasonable time schedule. The committee's reports cannot present the complete picture with every detail of the situation of the regional or minority languages in a country. The ambition is nevertheless to present the true picture. In order to fulfil that ambition, the committee of experts is dependent on comprehensive information from all concerned, and on the possibility of investigating further, based on such information.

In its work, the committee of experts co-operates closely with the relevant state authorities. The creation of an on-going dialogue with the authorities is essential to the committee's work. The national reports, the questionnaires with answers, the on-the-spot visits, the committee's reports and the recommendations from the Committee of Ministers are vital elements in this dialogue. However, information, points of view and comments from other sources are also very

important. Information from alternative sources is always important, sometimes necessary, in order to produce the most comprehensive picture. NGOs, legally established in a party (to quote Article 16 paragraph. 2 of the charter) are key players in producing such alternative information, and the committee of experts would welcome an even more active participation from NGOs in this field.

Session 4

Authorities, citizens and partnership – the role of NGOs in relation to the charter

What NGOs can do to facilitate and advance the implementation of the charter

Mr Bojan Brezigar, President of the European Bureau for Lesser-Used Languages

Non-governmental organisations have often been considered enemies of the state. Their role has always been to stimulate the state and to promote issues or develop activities that have not been developed by the relevant states. This idea of opposition between states and NGOs still persists, even if nowadays NGOs are accepted as a relevant part of the civil society and contribute, often in co-operation with the authorities, to solving sometimes very relevant problems.

In the international environment, NGOs are highly regarded. In most international organisations, including the United Nations, the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE), NGOs have been granted special Observer status and they contribute to the development of policies in relevant fields. In many international organisations, a lot of the activities depend on the work of these NGOs: consider for example those organisations working in the fields of solidarity, social affairs and health services.

Most NGO activities have been developed through voluntary work, without which some huge systems, like charities and social activities, would collapse. These systems alone go to show the importance of NGOs in the modern world.

In the field of languages, several NGOs have been promoting linguistic diversity in Europe. Most of them work at the local level and have helped to maintain the linguistic and cultural diversity in Europe in their own linguistic community. Seen from the top, this might not seem very relevant, but we know that there have been thousands of people working for years free of charge just to maintain their own language and culture, and that this has been going on since the time when linguistic diversity was considered a disturbance rather than an asset.

Focusing on the charter, it needs to be stressed that in the whole process of ratification and implementation of the charter, NGOs should be seen as co-operative bodies and states should develop correct dialogue to make sure that the charter will really correspond to the real needs of language communities; NGOs working at the grassroots are undoubtedly the organisations that know most about this issue.

Sometimes there are cases when states do not properly consider regional or minority languages. In most cases the starting point is the official language of the state: the concept one language, one state has been one of the basic concept of modern European states and regional or minority languages have not been

considered. We therefore have many cases of assimilation all over Europe and we realise that some cases still exist. However, language is not included in the modern concept of the state any more. In political science or international law studies, we understand that population, territory and sovereignty are basic elements of modern states; language is not included.

Some states still consider that regional or minority languages reduce the role of the official language of the states. This is not true, people continue to learn and to use the official language, and the local language is an added value to the cultural heritage of the state. It should be clear that any form of protection of regional or minority languages does not endanger the official language, but rather broadens the cultural heritage of the state. Protecting and promoting regional or minority languages does not reduce the role of the official language, but strengthens the link between the state and the citizens, who will feel safer and more protected by the state. This is not just theory, because there are many examples in Europe where this can be clearly seen.

In such cases, NGOs can give strong support to the state in developing policies in this field. If there is a common aim – preserving and promoting regional or minority languages – co-operation between states and NGOs is possible and even necessary.

Now let me come to the charter. I would like to stress one aspect in particular. The approach of the state to the charter should be based on real good will to protect and promote linguistic diversity. Since 1990 there has been much political pressure, particularly on some central and eastern European states, to ratify some of the basic Council of Europe documents related to human rights. In some aspects, we need to consider the charter among them. So it could be that some states signed and ratified the charter mainly because of political pressure, and not because they were totally convinced that multilingualism should be preserved and that regional or minority languages were really part of their state heritage. In such cases, it is very difficult to implement the charter, and NGOs are considered not as a support but rather as a disturbance, especially for the states which consider the charter only as part of their passport to the European Union.

I wanted to stress this particular point just to highlight that everything I have to say has been based on the good faith of the states' accession to the charter. I assume that states ratified the charter because they believe that the protection and promotion of regional or minority languages is an important duty and they consider these languages as part of their own heritage.

Relevant NGOs should be involved in the whole process of accession, ratification and implementation of the charter. I will try to draw a line to link all the crucial moments of this process and to outline the points where NGOs should be considered, as well as the possibilities for NGOs to intervene in the process and to assure the best implementation possible.

As I said beforehand, NGOs should be seen as co-operative bodies, but it has to be stressed that they should act co-operatively as well. They should not ask for the moon, but should stick to realistic developments, sometimes pragmatically. One of the values of the charter is that it is not a static document, but rather includes many possibilities for further developments. . NGOs need to be aware of this and they should present their requests on a realistic basis, even if everybody knows that there will always be a gap between the requests and the achievements. However, serious NGOs never ask for the unrealistic, and all their requests are based upon real needs. On the basis of these requests NGOs should offer the state expertise and support. We often realise that, even if the political will exists, states are not in possession of policies on regional or minority languages. NGOs could offer strong support to states and we realise that in most cases such support is really welcomed by states.

Only in cases where the state authorities refuse to co-operate or it becomes clear that there is no real intention to implement the charter should the role of NGOs become more aggressive, putting the state under pressure, even at the international level, to implement the correct policy for regional or minority languages.

Let me now go back to the very beginning: there still are states that have not signed the charter. This should be the first step, and in those states NGOs should endeavour to convince governments to sign the charter.

In most cases, states do not want to sign the charter for one of three reasons: either they do not recognise the existence of regional or minority languages on their territory, they are afraid to be too committed in the future, or the language, which is effectively a minority language, was granted official status and they are afraid to mix it with other cases of minority languages.

So what can NGOs do to convince governments to sign the charter?

In the first case the state does not recognise the existence of minority languages. This is definitely the worst scenario and the case should be raised at the international level. NGOs should devise common policies and link these policies to European institutions with the aim of convincing the state to sign the charter.

In the second case the state is afraid that it will be too committed in the future. This may be the most common scenario and in such cases NGOs could offer the state their support in advance. Sometimes it might be useful for NGOs and governments to agree in advance about paragraphs to be selected for each language, which would avoid misunderstanding and allow less complex solutions. International seminars about the impact of the charter in other states could also be very useful.

In the third case the states are afraid of their official language being assimilated into regional or minority languages. This is the case of Ireland or Luxembourg. Here the role of NGOs should be very difficult, as they are dealing with a higher level of protection, while, at the same time, most of the charter's criteria are

already fulfilled. In such a case I would not force state-based NGOs to revert their attention to the charter and it would be preferable to work at the international level to convince the states to sign the charter as a sign of agreement upon principles and of solidarity at European level.

The next step is the ratification of the charter. The choice of paragraphs is essential for every language, because it is the basis of future protection of the language. Here the role of NGOs is essential. Often, state authorities choose the simplest option, which is low level of protection for all the languages of the state. In most cases, the situation of each language differs according to its history, the use of the language, the commitment of its speakers, the organisation of the community and its legal status. We have to keep in mind all these details when we think about the choice of paragraphs. NGOs working on the spot certainly know the situation better than the officials in the capital's office.

My suggestion here would be not to reach for unrealistic goals, but nevertheless to insist on getting the highest level possible for each paragraph. NGOs should explain to state authorities that the ratification of the charter is a decision for the future and not for the past. Therefore the states should accept paragraphs which will be implemented in the future and not only those already implemented. One final remark related to this point: NGOs should keep in mind that this is the only point in the whole process where they can really negotiate with the state: they should not miss the opportunity.

One year after ratification of the charter, the state has to produce a report on its implementation. One year seems a very long time, but in fact it is not. We realise that in most cases states feel totally unprepared to deal with a matter which is completely new to them. Here the support of NGOs can be essential. In some states, authorities ask for such support and organise meetings or even conferences with NGOs; if this is not the case, the NGOs should take the initiative, offer their expertise and formulate proposals. However, it should be clear that the report is the state's duty and that although the co-operation of NGOs should be welcomed, the report nevertheless remains the state's responsibility. This gives NGOs more freedom in further activities as well. NGOs should give the authorities their opinion on the overall implementation of the charter as well as their remarks related to single languages and single paragraphs. Once again, my suggestion is to be realistic and to stress the specific points which should be implemented but so far this has not materialised.

It is once the state has produced the report that NGOs should be really very active. The evaluation made by the committee of experts is a very delicate stage in the whole process and the charter does not specifically mention the NGOs related to this particular stage. Article 16, paragraph 2 of the charter establishes that "Bodies or associations legally established in a Party may draw the attention of the committee of experts to matters relating to the undertakings entered into by that party under Part III of this charter. After consulting the party concerned, the committee of experts may take account of this information in the preparation

of the report specified in paragraph 3 below. These bodies or associations can furthermore submit statements concerning the policy pursued by a party in accordance with Part II.” The following paragraph establishes that the committee of experts shall prepare the report on the basis of the state report “and the information mentioned in paragraph 2”,

We realise that up to now the committee of experts has highly valued the opinion of the relevant NGOs. During the visit to the state, the delegation of the Committee meets the most relevant NGOs in the country and normally this is the most useful part of the visit. However, NGOs can also make suggestions, send documents, forward complaints and, if they have a very negative opinion of the state report, produce their own shadow report.

As regards this issue I would like to make two suggestions.

First, NGOs should try to agree among themselves about the points to raise with the committee of experts. Differing opinions are normal, but the basic points should be agreed upon beforehand. It gives a very negative image if NGOs disagree during the meeting with the Council of Europe experts.

Second, once again NGOs should be realistic. They should keep in mind the state report and the paragraphs of ratification and stress the points which, the NGOs’ consider have not been implemented properly. Obviously there could be some suggestions for the future, but these should be kept separate from the comment on the implementation of the charter.

Finally I need to stress once more that real long-term implementation of the charter and consequently the level of protection of regional or minority languages depend on the activities of NGOs in the evaluation process of state reports.

My final point regards the activities undertaken once the Committee of Ministers of the Council of Europe has adopted the recommendations. Here we are in a totally new situation, as the Committee of Ministers has only recently adopted its first recommendations. The decision of the Committee of Ministers represents the final act of the phases of implementation of the charter, and therefore at this juncture the whole process should be evaluated. The best solution could be a state-based seminar, promoted and organised by relevant NGOs, open to representatives of all the linguistic communities. Representatives of the authorities, including regional authorities and representatives of the Council of Europe should be invited. The focus of the seminar should not only be an evaluation of the past process; it should rather be the occasion for planning the future: what should be done with a view to the next state report and, if necessary, what new measures should be adopted by the state in order to protect and promote the languages.

The charter is not a document which is implemented only once. We are speaking about languages, which means that we speak about people. We have to

realise that even if a protection is very good, the changes in day-to-day life will require further development of the policies. This should be done by the state, but NGOs, organisations working at the grassroots, close to the people, should give the authorities the right elements to develop these policies.

To conclude, I would like to make some closing remarks, which are mainly suggestions to the NGOs. There are two main things that should be clear when an NGO starts to promote an initiative: the task and the target.

The main task of an NGO should not be to prove that the government does not implement certain conventions; the main task is to achieve the best implementation possible. So, as I already mentioned, convincing key people is much more useful than publishing resolutions. I understand that in some ways this could be really difficult, but NGOs, with the exception of those working in domains which are highly sensitive – and languages are not among them – should be aware that they are among the weakest elements of the society and they should become more confident and secure more support if they want to be successful.

The main target is obviously the state. The responsibility to sign and to ratify, and therefore to implement the charter, lies on governments. However, NGOs should develop their activities in many directions; they should create a large solidarity about the topics they promote. Thus NGOs will need to convince local and regional authorities to accept their support and to hold joint campaigns for the charter. At the same time, work on the ground is necessary, as strong support from the population is also needed. We know that politicians are very sensitive to requests from the people, who form the electoral basis of all of them, and strong movements (meetings, signatures and other forms of mass activities) will definitely be more productive than the best resolutions the NGOs can produce.

If these activities are not successful, the target could change and NGOs could orient their activities towards international organisations. However, this should be only be as a last resort.

Round table

Mrs Judit Solymosi, Office of National Minorities, Hungary

Mr François Grin, Deputy Director of the Department of Research and Education (SRED) and senior lecturer of Education and Research at the University of Geneva

Mr Alastair Walker, Christian-Albrechts University Kiel, Germany

Mrs Judit Solymosi

The contribution of NGOs to the preservation and development of minority languages

The minority communities of Hungary do not live in compact blocs but are geographically scattered throughout the country. They often constitute minorities

even within the settlements. They mostly arrived in Hungary after the times of Turkish domination, in the seventeenth and eighteenth centuries. In general, and this is the case of the largest minority groups such as the Germans, the Croatians or the Slovaks, they left their home country before the development of a standard literary language and they speak some archaic and dialectal version of their mother tongue. The level of linguistic assimilation in these communities is fairly high.

Two processes have recently been taking place in the use of native languages. On the one hand, there has been a shift from native language use to the use of Hungarian. In most minority families the native language is no longer passed on to the next generation. Practically all members of minority communities speak Hungarian well, and the use of their mother tongue in public life does not often happen in practice. With the exception of some smaller settlements, Hungarian has become the dominant language of communication.

On the other hand, there is a shift from a dialect-type mother tongue to the standard language of the mother country. Minority language school education is not based on local dialects but provides education in the standard language. As a result of this, there is a linguistic gap between the school and the home. Grandparents who speak the local dialect have difficulties in understanding the literary language that their grandchildren study and vice versa. The dialect has become not a mother tongue, but a “grandmother tongue”. The various dialects are not able to adapt and therefore their role in social communication is diminishing. The appearance of the standard language is a relatively recent phenomenon. Its conscious use is frequent mainly among intellectuals.

This state of linguistic assimilation is reflected in the recommendations of the Committee of Ministers addressed to Hungary. The Committee of Ministers recommends that Hungary should strengthen the institutional infrastructure for teaching in and of minority languages, and also strengthen the possibilities of speakers of minority languages to use their language before the courts and in relations with the administration.

We have tried to identify some of the reasons for this linguistic assimilation. We found that the enforced teaching of the Hungarian language between the two world wars and also in the first decade after the second world war may be one of them. Some elements of the communist political system such as the non-tolerance of bottom-up community organisation, the rigidity of the so-called friendly relations between socialist countries and in some cases the refusal of kin-states to help their kin-minorities safeguard their identity also contributed to the loss of the native language. Insufficiencies of mother tongue education such as the lack of qualified teachers in some areas as well as the worldwide process of globalisation and the disappearance of the old isolation of minorities are also factors of linguistic assimilation.

Luckily, we can also see some recent positive developments. In the 1990s, research was carried out into the changes of language use among Slovaks and Germans in one region of Hungary. It can be stated that the declaration of identity has become more conscious, there is a marked revival of minority cultural activities and a strengthening demand for community life.

Mr Brezigar stressed the importance of NGOs in the implementation of the European Charter for Regional or Minority Languages. I would like now to talk of the role of local communities and local civil organisations in the preservation and the promotion of minority languages.

As you may know, in Hungary local minority communities are organised in NGOs, civil associations, but as well as this an innovative system of participation and interest-representation has also been put in place. This is the system of minority self-governments.

Minority self-governments are elected bodies that represent the interests of the given minority at local or national level. Unlike associations, local minority self-governments represent not only their membership, but the whole local minority community. Their existence ensures that the rights of minorities are taken into consideration in local public administration and in local affairs. The system aims to create favourable conditions for the preservation of the culture, traditions and mother tongue of the minorities. In issues like minority education, culture, language use or the preservation of traditions, the local municipal council can only make a decision with the agreement of the local minority self-government. They are also entitled to set up, to take over and to run educational and cultural institutions and enjoy financial support from the state for this.

It is easy to understand that these functions play an essential role in safeguarding minority languages. In a third recommendation, the Committee of Ministers recommended that Hungary continue to develop the potential of the newly established system of minority self-governments precisely in view of the valuable contribution that the system can make to the promotion of minority languages.

The other group of organisations consists of classical-type NGOs. Among these we can find cultural and artistic associations, language clubs, community houses, Sunday schools, church organisations, youth organisations, professional associations, community radio stations etc. Just to give you some examples: there is a society of Roma culture and arts, a Roma radio station, an association of Romanian researchers and authors which also runs a research institute, a house of Slovak culture, an association of Polish Catholics, a national council of German choirs, orchestras and dance ensembles, a German association for rural tourism in Baranya and Tolna counties, an association of Slovak writers and artists, an association of Slovak teachers, a Slovenian community radio station,

etc. Between 1996 and 1999 minority self-organisation has developed significantly and the number of minority civil organisations is currently over 700. They specialise mainly in the protection of minority rights and in the preservation of minority culture; however, there are not many organisations working specifically in the preservation of the minority language.

What can NGOs do to facilitate and advance the implementation of the charter?

1. Role in the direct promotion of the language

Theatre activities, literature, research work and studies, local media stations, and cultural activities require the use of the mother tongue. It has been proven that the organisation of cultural events and village festivities produces marked progress in the use of the native language. This may lead to an extended use of the language in everyday life.

Another example of the direct promotion of the language are the Orthodox churches of the Bulgarians, Serbs and Romanians. The native language is used not only in church services but also in many other activities linked to, or organised by, the church. In many cases the cultural life of the minority community is inseparable from the church community. Civil leaders and prominent ecclesiastic personalities are present together at the principal celebrations and festivities of the relevant community.

2. Role in the provision of information

Much has already been said on the consultative role of NGOs. Their involvement can provide important information to state authorities before they make decisions. Information on the needs and shortcomings experienced in the field are very important. These organisations also give essential feedback on the effectiveness of measures taken.

Consultation, identifying and setting common goals and measuring effectiveness are very important tools in building partnership. However, consultation must not be formal. All forms of consultation must be genuine and credible: the actual possibility of bringing about real change must be present in the consultation process.

3. Role in interest representation, putting pressure on public bodies, awareness-raising within and outside the community

As for minority self-governments, I have already mentioned that municipal governments are obliged to consult them in all issues concerning the life of minority communities. As for other NGOs, they are in many cases in everyday contact with the municipalities. Research dating from 1995 found that 87% of municipal governments maintain contacts with the civil sector: as founders, or supporters, primarily in the field of culture, youth and sports activities.

4. Role in maintaining relations with the kin-state

These include jointly-run schools, co-operation in education and culture, relations between twin towns, joint summer camps for young people, meetings, exchanges between children's groups, initiatives to receive families. Together with government officials, the representatives of civil organisations are present in intergovernmental joint committees for the protection of minorities.

Joint ventures and business relations linking the two countries have emerged and are currently developing. The development of economic relations within the region necessitates the knowledge of the language with the kin-state or with other partners. Language knowledge is also very much appreciated in the international and regional labour market. This provides a new motivation leading to the revival of the language.

5. Role in increasing efficiency

If institutions are founded, taken over and run by NGOs, this can lessen the workload of public bodies. In some cases tasks may be completed more quickly, in a less bureaucratic way and with less expense. A Croatian primary school and a German kindergarten were taken over by the respective national self-governments, a Slovak research institute is run by the National Slovak Self-government. These examples are not common yet since the rules of providing financial guarantees to the transfer of responsibilities have to be specified.

It is important to see that the public sector can and should rely on the strengths of the civil sector. What are these strengths? High energy, commitment and enthusiasm, low costs, good ideas, easy contact-building, contribution to social peace. The civil sector is flexible and quick at identifying needs. It is fuelled by a sense of mission and is willing to change if necessary. It has the experience of taking action in rather modest conditions, without much support. However, it depends very much on having a committed leader. However, in the case of small minority communities with only some 1000 members, there might be a lack of active leaders: sometimes the members of the minority self-government are at the same time the leaders of minority civil organisations too.

In conclusion, the main task in Hungary is to find natural solutions for supporting and encouraging the use of minority languages instead of through forced and artificial methods. This process is influenced by different factors such as the majority environment, the economy, the state's minority policy and the behaviour of the kin-state. Among these factors the level of self-organisation of the minority communities and the role of the NGOs should be appreciated at their true value.

Mr François Grin

Ladies and Gentlemen, dear colleagues, dear friends,

First of all, I would like to thank the organisers of this conference most sincerely for giving me the opportunity to take the floor this morning. It is also a great pleasure, as always, to meet up with old friends, people we have known for a long time, others for not so long, with whom we have been able to share ideas and often work on issues to which we attach great importance.

Towards the end of a conference, usually everything has already been said. The only thing that one can add is that it has not been said by everybody yet. So to some extent I'm going to say, in my turn, what has been said already by some colleagues, but I will try to highlight things in a slightly different way so that you do not suffer from an overly heavy feeling of repetition.

Many important ideas have been proposed by Bojan Brezigar and by Judit Solymosi and among the many important ideas that have come up is the notion that was in Bojan Brezigar's speech, that the main task of NGOs is not to prove that a government does not implement certain conventions or fails to fulfil its commitments. Its main task is to help achieve the best implementation possible, and very much the same idea was also present in the presentation by Judit Solymosi.

All this points to a very positive pro-active, as opposed to negative role for NGOs, or more generally civil society organisations. As we all know, NGOs are a kind of catch-all concept, something fairly elusive and difficult to define, and sometimes we may do better justice to the complexity of reality if we refer to civil society organisations. Why such a role for NGOs? It is first and foremost motivated by a concern for the democratic character of the entire enterprise. What I would like to emphasise here is that the role of NGOs is also a technical one which goes well beyond the more political role that they usually play. What do I mean by that? Simply that the charter itself, as compared to other legal instruments, is much less about political questions and much more about policy questions, and this distinction between political and policy is one which is much more easily made in English than French. This is reflected in the role that NGOs can play in the implementation of the charter. Let us remember that the concern of the charter, as has been made abundantly clear by others, is largely about diversity, more than about rights, even though Professor Thornberry has reminded us that it is very difficult to talk and have discourse about diversity without maintaining a clear conceptual link with the discourse of rights. However, they are two different discourses which complement each other. This raises the question, therefore, not so much of what is just but the question of what is effective and what works. This, as I said, is not a problem of language politics, it is largely a problem of language policy. However, as Bojan Brezigar has pointed out, national states – and I stress national states as opposed to local and regional authorities – very often do not know what to do in terms of

language policy, because they are used to transport policy, to health policy, to education policy even, but not to language policy, except for a couple of notable exceptions. If you think of which types of authorities have the greatest degree of experience in implementing language policies, it will usually be regional or provincial authorities, from Catalonia to Quebec to the Basque Country to Wales, etc. Typically, national level administration – nation states – are sometimes hard pushed to come up with the answers that they need to implement the charter. They are progressively developing the know-how that they need to fulfil those commitments, and it is a learning process, but in such a process, national governments need help and NGOs are extremely well-placed to offer precisely this help. The charter incidentally recognises this explicitly, particularly in Article 7.4.

More precisely, it is important to note that the implementation of the charter requires a clear cause and effect relationship between something which is all the way up-stream and something which is all the way down-stream. All the way up-stream we have a political debate that results in the adoption of legal texts, for example a language act, and on that basis policy decisions are made. All the way down-stream you have a result from this policy. Now the problem is, how do we know that a certain policy measure yields a certain result? And what exactly is the result being pursued? Answering these questions requires knowledge of the terrain and experience which the state may not have, but NGOs usually have it. The first thing that they can do is to help clarify goals. I don't think there is any possible good policy without a very clear notion of the goals being pursued. The goal – and that's an important point here – is not only adopting a legal measure.

Let me give you an example, which I'm fond of quoting perhaps because it is not totally imaginary, in relation to Article 10 of the charter which is about administrative authorities and public services. Suppose that the authorities decide to offer courses in a regional or minority language for civil servants, so that civil servants can later serve the public better through the regional or minority language. Suppose now that you have to evaluate this effort and the question is how you evaluate it. One way of evaluating it is to say, "our programme has attracted so many civil servants – 100 people from the civil service enlisted in the programme. This is therefore an effective programme". I'm afraid that this way of looking at the programme would be rather blinkered because what matters is what happens down the line. What matters is eventually whether the regional or minority language will be used more as a result of this policy measure. State administrations may tend to forget that it's not enough to simply start a programme and let things roll. So this is where NGOs, for example, can help. They can remind state authorities that what we are really trying to reach is a certain goal, not just the start of a whole cause and effect chain but all the way down the end of this cause and effect chain. In this particular case, if you start language courses for civil servants, this means that they must enrol in this course, fine. However, then they must learn something in this course, then they must remember what they have learnt, then they must use what they have learnt

and remembered in the course of their work, when they interact with the public. That would be probably already a much better proof of the effectiveness of a measure. However, even then, that will not be enough, because what you have there is simply a supply of opportunities for people to use a regional or minority language. This is not enough for actual use, because what you need in a sense is an interaction of supply and demand. The question is, will members of the public actually ask for official forms printed in a regional or minority language? Will they really want and request expressly to be served by civil servants who not only can but actually will serve them in their language? And do the answers to these questions depend on the type of situation they are in? Is it the same thing if we are talking with the tax authorities or dealing with the local branch of some kind of national health insurance?

All these issues have to be assessed and addressed before we can be reasonably confident that a certain measure will yield a certain outcome, that is an actual increase in the use of a certain regional or minority language. In addition to this problem of clear goal-setting, there is of course the question of the very precise workings of the cause and effect relationships that relate a policy measure, a policy decision, all the way down to its outcome. This point has already been discussed by Judit Solymosi, so I'll skip over this and move on to a key point.

All this means that NGOs have an important role to play in the implementation of policies. However, I don't want to say that talking to NGOs or involving them in a policy process will offer a ready-made solution to every policy problem. It is nowadays extremely politically correct to involve NGOs or to claim to be involving NGOs in every step of a policy process, but it is also fair to say that just involving NGOs will generally not be enough. Why so? Simply because even if NGOs do have indispensable knowledge of the terrain, each NGO tends to have only a small portion of the broader knowledge that is necessary to select, design and implement effective policies. What is the implication of that? That no single NGO could, or should, claim a monopoly as a partner of the state or state administration in the implementation of a policy. The state will usually and normally need to talk to more than one NGO and this means that NGOs have to be ready to talk not just to the state and to the administration but also to one another. NGOs need to agree to co-operate and pool their knowledge in order to achieve better policies. The combination of these various forms of knowledge is something which is in itself difficult. It requires a certain methodology and this methodology is currently emerging or has started to emerge in recent years. In connection with this question, I cannot pass up this opportunity to mention the so-called Flensburg Recommendations for the effective, cost-effective and democratic implementation of language policies. These recommendations were adopted at a conference held in June 2000, a year and half ago, and it was to my knowledge the first to focus specifically on these very practical, technical problems of policy implementation in which NGOs have such an important role to play. Many of the friends who are present today in this room were involved in the drafting and discussion of these recommendations, so they know them, but

for those who don't, they can be found on the website of the European Centre for Minority Issues, and I will be delighted to give more information about this later.

Finally, to conclude, there is one more point that I would like to underline. I have stressed the importance of knowledge and combining knowledge, and this allows me to highlight a link with research, which, as a researcher, is also one of my concerns. There is still no general and precise model of the role of NGOs in language policy, but because this area is progressively developing, I would like to suggest that NGOs which are active in language policy matters develop a culture of documenting and evaluating what they do, keeping a record of interventions, problems, failures and successes. This information can be fed into a data bank of policy experience which would be extraordinarily useful.

Mr Alastair Walker

When discussing the role of NGOs in relation to the European Charter for Regional or Minority Languages, I shall be limiting myself to the experience I have gained while working for and with the German Member State Committee (MSC) of the European Bureau of Lesser-Used Languages (EBLUL) of which I was Deputy Chairman between 1992 and 1999. My description should, however, illustrate the opportunities available to an NGO when working within such a local, national and European framework. Thus my paper should to a certain degree complement Bojan Brezigar's, giving more detailed information about a subject so far treated at a more abstract level.

I shall divide my paper into three parts:

1. some general comments about the German MSC,
2. a brief description of the German MSC's activities in the general context of the charter, and
3. some critical remarks.

We shall see that the MSC has had both a direct and an indirect role to play with respect to the charter.

1. Some general comments about the German MSC

The structure of EBLUL is such that there is a member state committee in nearly every member state of the EU. The aim of each MSC is to include representatives of every language community recognised within the given state. The languages represented on the German MSC are Danish, North Frisian, Sater Frisian, Romany, Lower and Upper Sorbian as minority languages and Low German as a regional language.

Resulting from this structure one of the great strengths of EBLUL's MSCs is the network aspect as exemplified by the German MSC:

a. for the first time in the history of the Federal Republic of Germany the various linguistic communities have joined forces, albeit at a modest level. EBLUL is the only organisation which expressly brings all the communities together in a working group.

b. the MSCs include expertise and knowledge from different fields, though in the German case academics (teachers and linguists) are strongly represented. Each member of the committee is in turn him or herself a member of further networks on whose expertise it is also possible to draw.

c. the networking also includes other MSCs and linguistic communities throughout Europe with whom it is possible to exchange information and experience. Thus in the context of the charter the German MSC benefitted from the experience made by the West Frisians in the Netherlands.

d. over the years the MSC has built up contacts with politicians and political institutions engaged in minority policies. Examples in Schleswig-Holstein are the President of Parliament, members of parliament, the officer responsible to the prime minister for minority issues, and the Ministry of Education. These contacts ensure a constant dialogue concerning minority politics. This successful networking in Schleswig-Holstein is repeated to a greater or lesser degree in other parts of Germany¹.

The MSCs are also mediators between developments at local level and at national and/or European level. Thus their task is to pass on down to the linguistic groups initiatives taking place at a higher level, but also to pass on back up reactions and wishes from, as it were, the grass roots.

2. A brief description of the German MSC's activities in the general context of the charter

The European Charter for Regional or Minority Languages has had considerable impact on the linguistic situation in Germany and has sparked off some interesting developments. It is, however, difficult to estimate just to what extent any one given person or organisation has contributed to these developments. Thus I can

1. It must be admitted that Schleswig-Holstein is probably the most advanced *Land* in Germany with respect to linguistic minority politics resulting (a) from the fact that the three minority languages Danish, North Frisian and Romany are spoken here as well as the regional language Low German, and (b) from the Dano-German conflict dating back to the first half of the nineteenth century, see: Walker, A.G.H., *Nordfriesland, die Nordfriesen und das Nordfriesische*, in: Hinderling, Robert and Eichinger, Ludwig M. (eds.), *Handbuch der mitteleuropäischen Sprachminderheiten*, Tübingen 1996, 1-30 and Walker, A.G.H., *Extent and Position of North Frisian*, in: Munske, Horst H. et al (eds.), *Handbuch des Friesischen/Handbook of Frisian studies*, Tübingen 2001, 263-284.

only mention one or two of the German MSC's activities without really being able to assess fully the actual significance of any given activity.

a. The German MSC has been able to contribute to the maintenance of quite a high level of awareness among a number of (key) politicians and administrators with respect to minority issues so that when the charter was introduced, they were used to the idea of minority policies and knew what minority languages were. This awareness did, however, differ from *Land to Land*. In Schleswig-Holstein minority issues are recognised as being an independent field of political activity¹.

b. Generally speaking Germany took a very democratic approach to the charter and the process of ratification was in many respects a dialogue between the state authorities and the linguistic communities concerned, although this again seems to have differed from *Land to Land*. Thus in Schleswig-Holstein, for example, the officer responsible for minority affairs was entrusted with compiling the report on the languages here as a first step towards ratification. He asked both the linguistic communities themselves and the relevant ministries to examine the paragraphs in the charter to see which sections could be included for the various languages. The choice of paragraphs did though have to bear in mind the government's wish in Schleswig-Holstein that only such paragraphs could be included which incurred little or no additional costs. This at first sight rather restrictive condition needs to be relativised as Schleswig-Holstein did already support each language community financially, albeit to somewhat differing degrees². Based on the suggestions made and a subsequent analysis in collaboration with the ministries, he then drafted a report which was sent to the linguistic communities for comment. Such amendments as were deemed valid were then added to the report and the final version was forwarded to the Federal Ministry of the Interior. The officer for minority affairs also sent regular progress reports to the parliamentary committee responsible for the charter.

When the federal government wrote its report on all the languages in Germany, it in turn first sent a draft to the linguistic groups for comment, although the time allocated for an examination of the report was perhaps rather short. Again valid amendments were included before the report was finally submitted to the Council of Europe.

c. Further to this the Federal Ministry of the Interior has, to date, organised two implementation conferences in Bonn in June 1999 and November 2000 and a further one in Sankelmark (near Flensburg) in December 2001 where the linguistic communities were able to express their views. The first conference was very good as for the first time representatives of the linguistic communities

1. See Fischer, Karl-Rudolf and Schulz, Kurt, *Vom Kanon der Kulturen*, Bredstedt 1998.

2. See Der Präsident des Schleswig-Holsteinischen Landtages (ed.), *Bericht zur Arbeit der dänischen Minderheit, der deutschen Minderheit in Nordschleswig, der friesischen Volksgruppe und der deutschen Sinti und Roma für die 14. Legislaturperiode 1996-2000*. Kiel 1999.

were able to conduct a dialogue with members of the authorities at quite different levels, and it became quite clear that this form of dialogue was as yet relatively unknown and there were sometimes difficulties in communication.

The Schleswig-Holstein Parliament organised a conference on the charter in February 1999 for the local linguistic communities, and the officer responsible for minority issues in Schleswig-Holstein has also on occasion organised meetings on the subject. The present officer also recently published a booklet on the subject in collaboration with Schleswig-Holstein's Prime Minister¹.

d. As the process of ratification was to some considerable extent conducted by means of a dialogue between the state authorities and the linguistic communities, the German MSC did not have to play quite the role Bojan Brezigar envisaged in his talk in the sense that it was not necessary for them to take an active role in leadership. The charter was though discussed among the members of the MSC to compare developments in the different *Länder*, and in the case of North Frisian, a committee member introduced the Frisians to the charter in a meeting held in a hotel in Lindholm. At the beginning it was necessary to exert some considerable effort into convincing the linguistic communities that they should take an interest in the charter as many regarded it with a certain degree of scepticism, as is often the case with European developments. Also in cases of uncertainty the committee was able to call on expertise to clarify issues. We noted, however, that clarifying and interpreting issues were two different matters. Thus with the question as to whether the paragraphs which were to be signed were to reflect the state of the situation or to be seen as declarations of intent, we discovered that the official German view was that they reflected matters as they were *hic et nunc*.

e. During the process of ratification the German MSC kept close contact with the politicians concerned, as did the linguistic communities. Thus the politicians were constantly reminded of the interest. The German MSC also organised a symposium with the then President of Schleswig-Holstein's Parliament and the then officer responsible for minority issues in Schleswig-Holstein in Flensburg in January 1994 to discuss among other things developments concerning the European charter.

f. Also during the ratification process the German MSC regularly reported to the council of EBLUL with respect to the progress being made as this was encouraging for other countries. As it is hoped that the charter will one day be ratified by most if not all member states, it is important to monitor progress at European level.

g. As an example perhaps of the spirit of co-operation between the German MSC and the German state, one of the three experts nominated by the federal

1. See Ministerpräsidentin des Landes Schleswig-Holstein (ed.), *Sprache ist Vielfalt. Die Europäische Charta der Regional- oder Minderheitensprachen in Schleswig-Holstein*. Kiel [2001].

government for the Council of Europe's committee of experts for the charter was a member of the German MSC.

h. The Council of Europe's committee of experts visited the linguistic communities in Germany in the autumn of 2001. Members of the MSC were also interviewed but perhaps not primarily in this role but due more to other expertise. This reflects the fact that members of the German MSC often have a variety of roles within the linguistic communities.

3. Some critical remarks

I would agree with many of Bojan Brezigar's ideas about the role of an NGO in the context of the charter and indeed I think I am justified in saying that the German MSC is seen as a co-operative body acting co-operatively in Germany. However, in Germany's case NGOs have to negotiate both with the state and the linguistic communities. Thus the reasons why the German MSC has not as yet been able to realise all the ideas put forward by Mr Brezigar are perhaps twofold:

a. Germany has, generally speaking, a positive approach to minority language issues. Thus a number of the tasks described by Mr Brezigar were not really necessary in Germany, even though there are still many problems here. There is, for example, the imminent danger that in the near future university posts for Frisian be cut back by more than 50% since Germany signed the charter in 1992.

b. EBLUL's status in Germany is still in a process of development. There is, in Germany, a spectrum of linguistic communities from the highly privileged to the less privileged, and there is to a certain degree a correlation between a community's attitude to EBLUL and its minority status, although it would be incorrect to over-generalize here. Roughly speaking, the less privileged are more enthusiastic about EBLUL's potential, whereas the more privileged tend to be more sceptical, arguing that they prefer to conduct their own affairs without reference to an international organisation. The attitude here is that EBLUL is allowed to promote the languages but should not work at a political level, even though it can well be argued that this does in fact constitute a certain contradiction in terms. As a result of EBLUL's activities the chairpeople of most of the linguistic communities have formed an informal working group but so far little seems to have come of it. An active participation in the discussion on the contents of the charter on the part of the German MSC would, however, probably not have been approved by one or other of the linguistic communities concerned.

One can well understand the attitude that each linguistic community should be responsible for its own politics, but there is the danger that this may result in not exhausting all the possibilities open to the linguistic communities. A more critical and comparative appraisal of Schleswig-Holstein's and Germany's draft reports by the German MSC could, for example, in certain cases have proved beneficial and could probably have saved the committee of experts a certain amount of work as data which they have now been collecting could at least in

part have been included in the original reports. Such a joint venture would admittedly have considerably stretched the German MSC's limited resources, but could have proved useful.

Thus criticism at this juncture is actually levied more at the linguistic communities themselves than at the state for not having made use of all possibilities open to them. However, following a very successful congress "Linguistic diversity and democracy in Germany" which the German MSC organised in Berlin in November 2001 on the occasion of the European year of languages, I feel confident that the hitherto more sceptical communities might now be beginning to realise the potential that EBLUL's German MSC has as an NGO.

Successful application of the charter/general conclusion

*Mr Philip Blair, Director of Co-operation for Local and Regional Democracy,
Council of Europe*

Ladies and Gentlemen,

Somebody said earlier this morning that one of the functions of the charter was to develop a dialogue. That is certainly the case on the inner-state level. But I think it has equally been the case here in the last day and half. We have had very fruitful and rich discussions. Sometimes they have been slightly chaotic, in that there was not always discipline in following the precise theme of individual sessions. That is a pity, because if one is disciplined and sticks to the very issues under discussion, one can look at them in greater detail and no doubt draw more profound lessons. On the other hand, I think it's understandable. After all, the situation in our countries is very different: some are at the stage of implementation of the charter; some are at the stage of preparing ratification; and others again are at the stage where ratification of the charter probably seems a long way away. In this last case the feeling may be strong that governments are far from respecting the provisions of the charter and therefore the language groups inevitably tend to seize an opportunity to draw attention to their problems. Maybe we should have had a special session on that, so that we could have been more disciplined in the other areas. Nevertheless I think we have had a very interesting discussion.

Taking a step back and considering where we are with the charter today, we can say that in many respects the charter is already a success story. Who would have imagined a few decades ago that sovereign states, so far fifteen of them, would agree to be bound by common norms, European norms – not just a declaration, these are binding legal commitments – and would submit to a system of international supervision of how they treat their minority languages? Indeed, when the charter was first mooted in 1983, many thought the idea was – to quote Mr De Varennes yesterday – “another unrealistic project dreamed up by bureaucrats and intellectuals in the Council of Europe”. Well, it's not the first time, or the last, that in the Council of Europe the unrealistic has become reality. Of course, we often need a lot of patience and perseverance: the charter itself took nearly ten years from its conception to its adoption by the Committee of Ministers and another five years before it entered into force. But in the end, the political reality becomes ripe for implementation of the vision.

So far, however, the charter has had only part of the success which I hope and am sure that it will lead to. First of all, only one-third of the member states of the Council of Europe have so far ratified the charter. We're not doing badly: the number of ratifications has doubled in the last two or three years. However, there is obviously still quite a long way to go. So one of the messages of this conference ought to be that we need to keep up the pressure, keep up the insistence in

the other member states on the importance of this instrument for the preservation of this extremely important part of Europe's cultural heritage.

Secondly, the charter is not yet fully a success story because the national reports and the reports of the committee of experts show that implementation of the charter still has a long way to go. It is still in its initial stages. No doubt, the assessment of the situation in the contracting states and the evaluation of their compliance with their commitments, has in some cases gone beyond what governments were expecting. There are a number of states which may have supposed that ratification of the charter was a relatively symbolic thing. Now, they find that they have, so to speak, committed themselves to the kind of continuing dialogue that has been described earlier by Mr Gramstad and others.

However, it will be found that this dialogue itself has potential that has not always been realised so far, because often there are several different possible ways of apparently complying with the requirements of the charter. The charter, as has been pointed out, does not say, "here is the model, here is what you must do for every language". It lays down a number of obligations, but those obligations must be complied with in accordance with the situation of each language. Here, we touch on an aspect which is going to be extremely important in the course of the monitoring of the implementation of the charter. For if we say that the measures to be taken are to be in accordance with the situation of each language, then the question arises, what measures are best designed to safeguard the relevant language in the long run? So we get beyond the sphere of pure principle and we find ourselves considering what is the right policy. The difficulty will be to judge quite how far into the policy sphere the monitoring of the compliance with legal commitments legitimately goes.

I think this is going to be a fascinating aspect of the monitoring of the charter as time goes by. It is part of the potential of the charter that in itself it will already – by the very need to ratify it and then to implement it – oblige states to develop a language policy. So I think this permanent dialogue which the charter requires both at national level and at European level with the committee of experts has enormous potential, provided of course that everyone plays the game in good faith.

It is not necessary for me to speak at great length about the three "pillars" of this conference, the three aspects of the work on the charter, the state authorities, the local authorities and the NGOs. You have heard a great deal about this. I will, however, just recall one or two aspects that seem to me to be particularly important.

The role of the state authorities is obviously the primary one. We have seen all the things that the state ought to do before it ratifies and all the things that states ought to do in terms of implementation of the charter. We have seen that it really is necessary to give guidelines both to the state administrations and to the local authorities as to what their responsibilities are with regard to implementation of

the charter. Otherwise, there is a risk that many of the individual officials, who are the people that need to implement the charter in daily relations with the citizens, will either not be aware at all of their responsibilities or will not necessarily be convinced of the need to take those responsibilities so very seriously. This is a crucial problem. It is not enough for states simply to ratify the charter and say, as sometimes happens now, “well, this is part of domestic law, we have done our job and it’s up to those who are interested to take the necessary action”. This won’t do. It won’t do because to some extent, those who are interested will not know, and it won’t do because the charter, for all its detail and all the aspects which it specifically covers, cannot possibly be a substitute for the kind of detailed country-specific legislation and administrative regulations that are required to make sure that the goals of the charter become a reality. So the state has an enormously important role to play here. This role begins with ratification, making sure that the provisions accepted are adapted to the situation of each language. I agree absolutely with those who have said it is not at all in the spirit of the charter simply to say: “We will adopt the following provisions for all the languages, because we have to treat every language equally”. No, the situation of each language is different, and therefore the provisions chosen must be adapted to that different situation. However, after ratification there is a continuing obligation to improve the implementation of the charter in the national reality. This is a permanent task which the three-yearly monitoring process will definitely be promoting.

To my mind, the risk from all that we have been saying at this conference is that some states will be frightened, not just, as Bojan Brezigar said, by the commitments for the future but by the work they are going to have to do. It will be uncomfortable. Suddenly, discussions will arouse expectations, and it is important that those expectations, where they are reasonable, should be met.

As regards local and regional authorities, Mr Woehrling has given a masterly presentation of what the local and regional authorities can and should do, and it is not necessary for me to recall that in detail. In many countries, local and regional authorities already do much to support regional and minority languages. Sometimes, where the state puts stones in the way, they find ways round these obstacles, they are imaginative. Even when states have not ratified the charter, local authorities can draw inspiration from it and take action themselves, provided of course they stay within their own powers and within the provisions of the law. On the other hand, there may be the opposite type of situation, where it is the state that takes on the commitments and the local authorities that have to act, but some of them are not very keen to do so. The local authorities may have only a relatively modest minority of speakers of a particular regional or minority language, the majority may not be interested in taking these measures and the local elected representatives may not want to become unpopular with the majority. Or it may simply be that the local authorities are afraid of the financial commitments that are involved in having to take these measures and therefore hesitate to implement them. In both cases, we come back to a responsibility of

the state to remove the obstacles, whether financial or political, because of its responsibilities under the charter.

As for NGOs, Mr Brezigar has dealt with this aspect also very fully. I would only like to stress the importance for the committee of experts on the charter of the contacts with NGOs, and to emphasise the role of NGOs vis-à-vis the states as well, providing the necessary input of information in co-operation with the government. It seems to me that there should be, in the language field, a clear development away from a demands-based approach to practical co-operation with the government as far, of course, as government policy allows that (we have heard this morning that this is not always the case). It seems to me that the practical co-operation approach, which is based on realism, is likely to bear greater fruits than the demands approach. Of course, the less chance one has of success or of recognition from the state, the more likely one is to make demands and the less restraint there may be on the tendency to ask for the moon, to use Mr Brezigar's expression. But unfortunately, it is an approach which probably will not bear the same fruit.

Lastly on NGOs, I would just like to stress that they should be accurate in the information they provide to the committee of experts, as objective and factual as possible. If your aim is to complain that governments have not taken the necessary action, but the governments can in fact pick holes in your argument because you have exaggerated your case or perhaps bent the facts a little to make it even clearer that you are right, then you will throw away your credibility.

Those were the three main themes of the conference. However, the other thing that struck me at this conference was that a number of very interesting specific proposals were put forward for the way ahead. One, which was repeated by several speakers, was that the committee of experts on the charter should produce general comments, that is to say, comments which address problems that are not necessarily specific to one country but rather arise in a number of cases with regard to interpretation of the charter and its monitoring. This seems to me to be an excellent idea, and I'm sure the committee of experts will think about it. I would just sound a note of caution by repeating what Mr Thornberry said, namely that you can't expect that kind of outcome from the committee of experts too early before it has accumulated a sufficient basis for coming up with general comments.

Another general suggestion was that one ought to have some kind of practical guide on good practices with regard to regional or minority languages. This of course is a quite different matter and it is not something which would be expected to come from the committee of experts. However, it is something that we, in the Council of Europe, ought seriously to take up and we have noted it carefully. Related to that was the proposal made by Secretary of State De Vries for a website with a database of initiatives to improve the situation for regional or minority languages and to implement the charter. Of course, those two proposals go very neatly together. We would certainly like to consider that as well.

A further suggestion was Mr Woehrling's idea of a network of local authorities to exchange experiences in implementing the charter. That is something which I am sure the Council of Europe and in particular its Congress of Local and Regional Authorities would like to think about. Mr Woehrling made another very interesting suggestion, which is that it might be good to have a kind of local authority version of the charter for the promotion of regional or minority languages. Of course, I know that he didn't mean a local authority version of a binding legal instrument, because that belongs to the sphere of the member states; rather, it would be something to which local authorities might commit themselves politically. At the Council of Europe level, one might imagine a kind of framework, setting out how local and regional authorities can best promote the implementation of the charter, and this framework could then be filled in by local and regional authorities in the individual countries. After all, their competences are different in the different countries, so they can't necessarily be expected to do exactly the same things. Also of course, the situation of languages differs from region to region and so what they can do in the different regions also varies. Nevertheless, this kind of grass-roots commitment could greatly contribute to creating an environment in which people feel involved with this charter and feel the need to do their bit to ensure that it is a success. Local authorities could sign up, so to speak, to their own political commitment to promote the charter. So that is another very interesting suggestion.

I think it was Dónall O'Riagáin who suggested that a centre for linguistic diversity might be set up for purposes of language-planning, data gathering and promoting expertise. It was Mr Jakovčić from Croatia, who offered to establish such a centre in Istria, or at least to provide premises and additional financing for such a centre.

So we have had a wealth of proposals, and of course, I don't propose now to promise you which amongst these proposals may be implemented. But I do promise you that we will think about them all very carefully and that we will try to see what we can do to help implement at least some of them, so that you don't feel that we have only been talking about work for the states and work for the local authorities and for the NGOs. The Council of Europe itself will, apart from the normal process of monitoring the charter, do its best.

Appendix I – Programme of the conference

Thursday 29 November

18.00-21.00 Early registration of participants

Friday 30 November

8.30-9.30 Registration of participants

Opening of the conference

9.45-10.05 The European Charter for Regional or Minority Languages – an instrument for diversity and peace in Europe

Mr Gijs de Vries, State Secretary of the Ministry of the Interior and Kingdom Relations, Netherlands

10.05-10.25 The Council of Europe and regional or minority languages
Mr Hans Christian Krüger, Deputy Secretary General of the Council of Europe

Session 1

Respect for diversity – harmony between peoples

Chairman: Mr Rolf Ekéus, OSCE High Commissioner on National Minorities

10.30-10.50 Keynote speech

Linguistic diversity in the Europe of tomorrow

Dr Fernand de Varennes, Former Director of the Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict, Murdoch University, Australia

10.50-11.20 Coffee break

11.20-11.50 Round table

Mr Kaadyr-ool Bicheldey, Deputy Chairman of the Committee for Nationalities' Affairs State Duma of the Russian Federation

Mr Luciano Caveri, Vallée d'Aoste, Member of the European Parliament

Mr Dónall Ó'Riagáin, special adviser of the European Bureau for Lesser-Used Languages

11.50-12.30 Discussions

12.30-14.45 Round table – Conclusion

12.45-14.00 Lunch

Session 2

Accommodating linguistic diversity at national and international level

Chairman: Mr Pal Csáky, Deputy Prime Minister of Human Rights, Minority Rights and Regional Development, Slovak Republic

- 14.00-14.20 Keynote speech
The charter and the role and responsibility of the State
Mr Patrick Thornberry, Professor of International Law,
University of Keele
- 14.20-14.50 Round table
Mr Nils Øivind Helander, Chairman of the Sami Language
Board Norway
Mr Romedi Arquint, President of FUEN
Mr Eero J Aarnio, Legal Adviser, Ministry of Justice, Finland
- 14.50-15.20 Discussions
- 15.20-15.35 Round table – Conclusion
- 15.35-16.5 Coffee break

Session 3

The charter at work – the role of regional and local authorities

Chairman: Mr Ivan Jakovčić, President of the Region of Istria, Croatia

- 16.5-16.25 Keynote speech
**The pivotal role of regional and local authorities in relation
to the charter**
Mr Jean-Marie Woehrling, President of the Institute for Local
Law in Alsace-Mosel
- 16.25-16.55 Round table
Mr Bertus Mulder, Member of the Provincial Government of
Friesland
Mr Tony McKenna, Member of the Committee of the Regions
of the European Union
Mr Donald Martin, Acting Chief Executive, Comunn na
Gaidhlig and Secretary of the UK MSC of EBLUL (European
Bureau for Lesser-Used Languages)
- 16.40-17.10 Discussions
- 17.10-17.25 Round table – Conclusion
- 18.00 Reception and dinner at the Golden Tulip Hotel

Saturday 1 December

Chairman: Mr Moreno Bucci, Member of the Congress of Local and Regional Authorities of Europe, Council of Europe

9.30-9.50 Intervention of Mr Sigve Gramstad, Chair of the Committee of Experts of the European Charter for Regional or Minority Languages

Session 4

Authorities, citizens and partnership – the role of NGOs in relation to the charter

9.50-10.10 Keynote speech

What NGOs can do to facilitate and advance the implementation of the charter

Mr Bojan Brezigar, President of the European Bureau for Lesser-Used Languages

10.10-10.40 Round table

Mrs Judit Solymosi, Office of National Minorities, Hungary

Mr François Grin, Deputy Director of the Department of Research and Education (SRED) and senior lecturer of education and research at the University of Geneva

Mr Alastair Walker, Christian-Albrechts University Kiel, Germany

10.40-11.15 Discussions

11.15-11.30 Round table – Conclusion

11.30-12.00 Coffee break

12.00-12.30 **Successful application of the charter/general conclusion**

Mr Philip Blair, Director of Co-operation for Local and Regional Democracy, Council of Europe

Official Closing

12.30-14.00 Lunch

14.00-19.00 Sightseeing tour – boat trip (organised by the Dutch authorities)

19.00 Dinner

Appendix II – List of participants

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