

Speech on Regional or Minority Languages

Conference 13 April, The Hague

Dear participants,

I would like to start by thanking DINGtiid, the Advisory Body for Frisian language policy, for having invited me today to speak about the Council of Europe Charter for Regional or Minority Languages, a unique legal instrument and the only international convention specifically devoted to the protection and promotion of less widely spoken languages.

[*General comments about the Charter*]

Regional and minority languages are part of our cultural and intangible heritage.

The Parliamentary assembly of the Council of Europe has stressed in several reports that language is in itself a value, and one of our cultural assets. It is therefore fundamentally important that the use of language ensures a community's cultural reproduction, that it enable individuals and the community to take part in political and cultural life, and in this way that it become integrated into economic and social processes¹. It is on the basis of the preliminary work initiated by the Parliamentary Assembly of the Council of Europe - back in 1957! – that the Council of Europe adopted the European Charter for Regional or Minority Languages in 1992.

This treaty, which marks in 2023 the 25th anniversary of its entry into force, obliges the 25 States Parties that have ratified it to actively promote the use of these languages in education, justice, administration, media, culture, economic and social life and cross-border cooperation. Further 8 States have signed it but have not yet ratified it (Azerbaijan, France, Iceland, Italy, Malta, North Macedonia, Moldova, Portugal – Russian Federation has signed it in 2001). Currently there are more than 80 regional and minority languages protected by the Charter in all sectors of everyday life.

Thanks to its monitoring mechanism built around a Committee of elected independent experts from its States parties, the Charter has become over the years a living instrument, with practical application and concrete impact. In its

¹ Resolution 2196 (2018) « The protection and promotion of regional or minority languages in Europe”.

recommendations to the States parties, the Committee of Experts has spelled out in concrete terms what the Charter says, but also what it does not say explicitly.

It is on the basis of that interpretative work that States are regularly urged not only to *abstain* from undermining the practice of Regional or minority languages, but also to *take pro-active measures* for their promotion.

The Committee of Experts has also, when it felt that existing undertakings of a State for a given language were inadequate, recommended to enter into higher obligations, in order to reflect the *real* legal or sociolinguistic situation of the language.

Throughout its 25 years of existence, the Charter has had a positive, concrete impact on many languages in several countries, leading to the development of specific language policies, domestic legislation, good practice and standard setting.

One of the positive sides is definitely **the dialogue**, established between the States parties to the Charter, the NGOs representing the speakers of minority languages, and the Committee of Experts of the Charter.

The support of national and European organisations for the promotion of regional or minority languages is of **paramount importance in the dialogue**, as their expertise on the ground enables the COMEX to gather valuable information during its on-the-spot visits to the countries concerned. The dialogue extends also to the Parliamentary Assembly as every two years, the Secretary General of the Council of Europe has to present to the Parliamentary Assembly a detailed report on the application of the Charter: this ensures that the parliamentarians are kept informed about the application of the Charter, enabling them to bring political pressure to bear, if necessary, to encourage national governments to take appropriate measures. The PACE has done several reports on the issue, and recommended for example back in 2018 in a report on “The protection and promotion of regional or minority languages in Europe” other elements in order to increase the impact of the Charter, such as creating a prize, which could be awarded “once a year by means of a competition, for countries which actively promote the use of regional or minority languages”; or hold “regional seminars on good practice and obstacles to its effective use, promote scientific co-operation between national research workshops and suggest that working

groups specialising in issues relating to the situation of regional or minority languages be set up in the member States”.

The Charter is a **living instrument**. On the basis of the COMEX evaluation reports and recommendations, as well as the recommendations of the Committee of Ministers of the Council of Europe, the States Parties have useful tools at their disposal to better develop and deploy policies on the use of regional and minority languages on a daily basis but also in the light of current living conditions. As a result, new issues and challenges are now taken into consideration, such as the place given to regional and minority languages in new technologies, in online education, in social media or in the development of artificial intelligence. These are fascinating avenues for multiplying the visibility of RML, especially in some remote areas where a few speakers live. As the Charter is a living instrument, its provisions must continue to be interpreted in the light of current living conditions and developments in our society, such as digitalisation in the fields of education, public administration and services, media and culture and the rise of artificial intelligence. The Committee of Experts' statement in March 2022 on the promotion of regional or minority languages through artificial intelligence is effectively a guideline for its work in this respect.

But we should also look at the negative trends in the implementation of the Charter. The first one is of course **the lack of resources** devoted in the States parties to the RML, because of the economic crisis. Another important element is what we call the **monitoring fatigue** in the member States, leading to the fact that several States do not submit their periodical reports on the application of the Charter on time, hindering therefore the whole monitoring process. Sometimes, there is a clear divergence between the information provided by the ratifying state and that provided by the organisations which made detailed submissions. In some instances, authorities are also **too slow** to implement the recommendations of the Charter and effectively protect the languages, some of which are in danger of extinction.

On a structural level, we can see that sometimes, the protection granted to some languages does not reflect the reality of the language spoken in the country. The system of commitments adopted in the Charter allows for adaptation to the situation of each language, taking into account the social, political and economic contexts which shape them. States should adapt the commitments relating to each language provided for in the charter to the real

socio-linguistic situation of the languages concerned, in conformity with the spirit of the charter. Few states, when ratifying the Charter, revised their legislation and regulations on languages in substantive terms in order to guarantee genuinely dynamic implementation of the Charter.

To support and promote the Charter, in the States Parties and among those Council of Europe member states which have not yet ratified it, several initiatives have been conducted at **local level** so that local and regional authorities which have expressed an interest in the Charter can implement its provisions in accordance with their competences and so provide a basis for any policy to promote minority or regional languages. In the States Parties to the Charter, these initiatives serve to ensure a higher degree of protection for regional or minority languages that are already protected. For example, in 2021, a local charter was adopted by the municipality of Kanjiža/Magyarkanizsa in Serbia to provide greater protection for Hungarian. In Council of Europe member states that have not yet ratified the Charter, such initiatives can serve as “pilot” schemes, providing an opportunity to simulate its application at local level prior to ratification at national level and to thus facilitate its implementation in the future.

I would also add that the Charter is a flexible instrument, and ratifying governments can always **accept new or higher obligations**, for example by extending to an additional language the benefit of the provisions of part III of the Charter or by undertaking stronger commitments for a language already covered by part III. Depending on the circumstances of a given language, it is up to each State to adopt a set of appropriate and proportionate measures, ranging from maximal solutions to minimal solutions. This was the case recently of Germany, who in 2021 notified the Council of Europe that it had accepted additional Part III undertakings with regard to Danish, North Frisian and Low German in the Land of Schleswig-Holstein, covering administrative documents, place names and cultural activities; and of Norway in 2021 who decided to apply Part III of the Charter to Lule Sámi and Southern Sámi.

As mentioned before, languages evolve also due to new technologies, and States must therefore be ready to respond to these new challenges in order to ensure these languages are continuously protected and promoted, as part and parcel of Europe’s rich cultural diversity.

[*Implementation of the Charter in The Netherlands*]

The Committee of Experts recently published – in February this year – its 7th report on the Netherlands. The languages protected under the Charter are as you well know Frisian, Limburgish, Low Saxon, Romanes and Yiddish, and discussions are under way for the Charter to apply also to Papiamentu/Papiamentu. Frisian however, is the only language protected and promoted under Part III of the Charter - the most powerful.

The central authorities have concluded administrative agreements with local authorities in the areas where Frisian, Limburgish and Low Saxon are used. They have also delegated most of their responsibility regarding the implementation of the Charter to provincial level.

The Frisian language is protected and promoted by the 2014 Use of Frisian Act, which obliges national and provincial authorities to periodically enter into administrative agreements (“covenants”) covering the use of Frisian in all domains covered by Part III of the Charter. Since its adoption, the Committee of Experts found that significant progress has been made in the promotion and protection of Frisian. The latest version of the *Bestjoersôfspraak Fryske Taal en Kultuer 2019-2023* gives substance to the joint responsibility and duty of care of the central government and the province of Fryslân for the Frisian language and culture. It defines a vision for Frisian by 2030: the use of Frisian in public should increase and the number of people who speak, read and write in Frisian should grow considerably. I welcome the fact that with this objective in mind, the authorities of the province of Fryslân, assuming the role of *Taalskipper* have also adopted the *Taalplan Frysk*.

It must be noted however that recent cuts in the budget put at risk the strengthening of the visibility of this language.

[*Extract from the 7th evaluation report on The Netherlands, p. 10: “In this context, the central government and the province have agreed to devote the rest of the term of the Administrative Agreement to the visibility of Frisian in the public space and in communications, and the use of Frisian in the judiciary and in education. Following the approval of a motion on 17 December 2020 by the House of Representatives to strengthen the visibility of Frisian and communication in Frisian, a ‘visibility agreement’ has been signed on 25 April 2022. This agreement will also serve as a basis for setting the new BFTK 2024-2028.*

However, in the provincial official government agreement, a zero-based budget appropriation is foreseen, with a €5 million cut in structural expenses. The Frisian Parliament has recently decided to postpone the cut after the provincial elections in March 2023. (...) The cuts (structural and incidental), which could amount to an overall reduction of 35% compared to the current budget, raise particular concerns among the speakers. In this context, the authorities should make sure that the cuts do not affect unproportionally the promotion of Frisian. Given the importance of the forthcoming BFTK 2024-2028, the authorities could invite all relevant stakeholders (including Frisian organisations and stakeholders from the field) to take part in the negotiation process”.]

Among the main findings of the recent evaluation report on the Charter, the **importance of education** was stressed – which is common for all the States parties to the Charter. The Committee of Experts noted the importance of guaranteeing the teaching in/of regional and minority languages in the school curriculum. It also recommended to raise awareness about Frisian and include Frisian culture and history in the *general* curriculum.

Several shortcomings concerning teaching in Frisian were noted, especially concerning primary school level.

The Committee therefore recommended to continue to implement teacher training courses in Frisian to face the general shortage of teachers, and especially to increase their number in primary and secondary schools. It also advised to strengthen “the study of Frisian at higher education level through a strong, visible and sustainable university Frisian language and culture university discipline, independent from the BFTK which is negotiated every four years”.

It also found out that, although Frisian can be used in judicial proceedings, there are difficulties regarding interpretation in criminal proceedings that must be addressed without delay.

The Committee of Experts also thought that a national policy was needed for Limburgish and Low Saxon, protected under part II of the Charter, since some fields, such as education, fall into the competence of the national authorities. The Committee found indeed that the teaching in/of those languages was not ensured at any level of compulsory education.

[*Conclusion*]

A language is a way to perceive the world and what is sure is that, if we do not take active measures, several less widely spoken languages will disappear. In our democracies, the use of regional or minority languages is a critical aspect of the personal and collective identity of the European citizens concerned. Linguistic diversity is part of the common European cultural heritage. Protection and support for the development of these languages is therefore a fundamental European value, in that their protection and promotion contribute to the construction of a Europe based on respect for human rights, democracy and the rule of law

I personally think that the more Europeans are used to accepting the idea of diversity within their own countries, the more they will be able to interact constructively with the differences beyond their national borders, leading to a stronger Europe based on pluralist principles.