

European linguistic diversity management

*Koľko jazykov vieš, toľkokrát si
človekom.*

Slovak proverb

*(The more languages you know,
the more of a person you are.)*



Outline

1. Introduction and general observations
2. Overall presentation of the central questions in the discourse upon European linguistic diversity management
3. European standards and instruments
4. Language diversity and the European Union
5. European linguistic diversity management from the perspective of national states



General observations

- No single right to a language => no single linguistic diversity management approach => no „one size fits all“ or „one for all“ solutions
- Language rights indirectly protected by international human rights => European linguistic diversity management can derive from Human Rights in international law
- European linguistic diversity management *versus* national linguistic diversity management



Language Rights Based on International and European Human Rights Treaties

Freedom of Expression (Free Use of a Language in Private Sphere)

‘A State may choose one or more official languages, but it may not exclude, outside the spheres of public life, the freedom to express oneself in a language of one's choice’. Ballantyne v. Canada, UN Human Rights Committee, 1993

Right to Privacy/Private Life (Right to a Person's Name or Surname in their Own Language) Coeriel and Aurik v. the Netherlands, UN Human Rights Committee, 1994

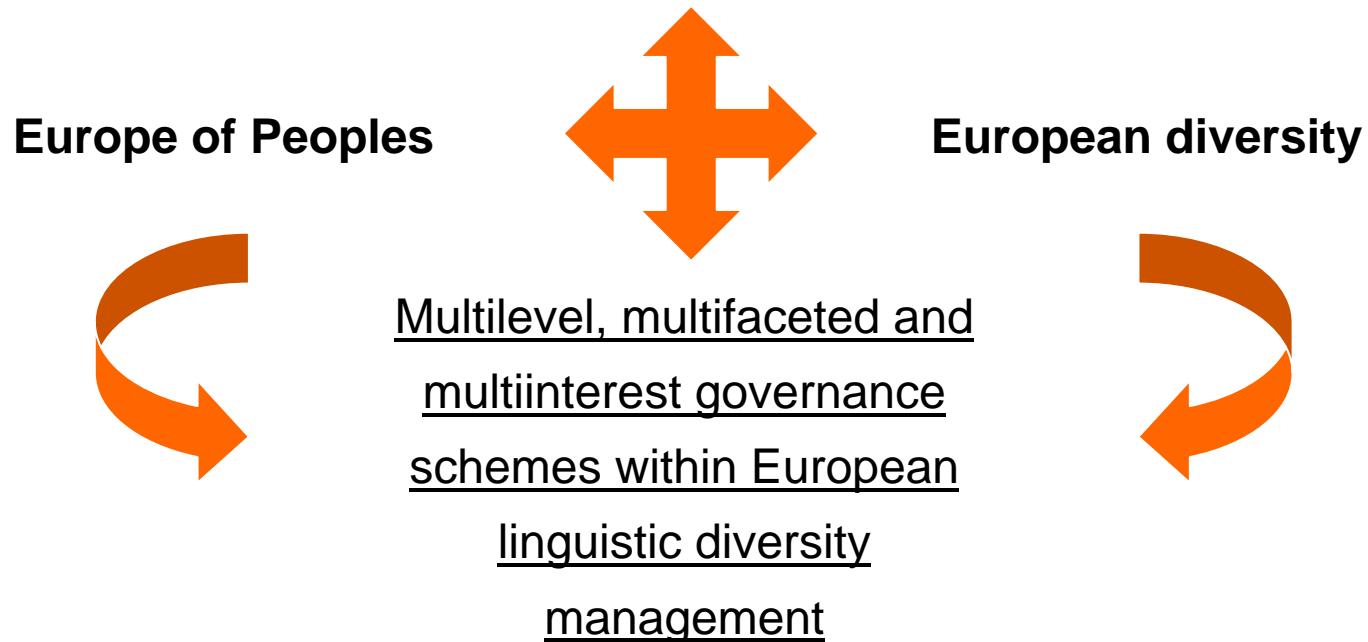
Right to equality (equal access to services in a particular language between citizens of the European Union) Bickel and Franz, ECJ, 1998

Right to non-discrimination (use of a language by State Authorities must be ‘Reasonable and Justified’, otherwise it constitutes discrimination)
Diergaardt v. Namibia, UN Human Rights Committee, 2000



The difference in languages is not a difference in sounds and signs,
but a difference in worldviews.

(W.B.von Humboldt)



A pluralistic, trans-national, comparative and flexible framework is needed.



“Minority or diverse group”: the definitional dilemma

- „Diverse“ or „Minority“ in relation to what?
- No universal valid definition of national / ethnic / linguistic minority
- Distinction: international or domestic law
- Criteria:
 - **objective** (distinguishing features)
 - **subjective** (awareness; acknowledgement and social relevance)
- “New” Minorities ?



Council of Europe Language Policies:

plurilingualism
linguistic diversity
mutual understanding
democratic citizenship
social cohesion

Language policy division,
Strasbourg,
ECML, Graz

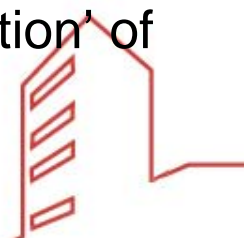


European Year of Languages 2001
and
European Day of Languages Logo

European Instruments for Language Rights and Diversity (1)

European Charter for Regional or Minority Languages (CoE) 1998

- Creates no rights: in theory, not directly enforceable in a court of law
- Limited to State obligations, high margin of appreciation
- Limited to traditional languages (excludes 'newer' languages, immigrant and Sign languages)
- Mainly concerned with use, protection and promotion of languages by state authorities (outside of private sphere)
- Enshrines principle of measures appropriate to the actual 'situation' of each language (what does this mean? which criteria?)



European Instruments for Language Rights and Diversity (2)

Framework Convention for the Protection of National Minorities (CoE) 1998

- Creates individual rights: in theory, not directly enforceable in a court of law
- Not concerned with language, but with the rights of 'national minorities' (thus excludes 'newer' minorities such as immigrants?)
- Covers both private sphere activities as well as the use of languages by state authorities
- Enshrines the principle of free use of a national minority language in private sphere
- Enshrines the principle of proportionate use of a national minority language by state authorities, or in areas inhabited by persons belonging to national minorities traditionally, 'as far as possible



European Instruments for Language Rights and Diversity (3)

OSCE Soft Law means

Oslo Recommendations Regarding the Linguistic Rights of National Minorities 1998

- elaborated at the request of the HCNM
- offers practical guidelines
- persuasive character

The Hague Recommendations Regarding the Education Rights of National Minorities 1996

- Provisions to better guide language policy-making for education in the mother tongue without neglecting the teaching of the State language



European Union – Europeans and their languages



Symbol

for multilingualism used
in the European Union
Mother tongue plus two

~450 Million people
56% of citizens in the EU MS are able
to hold a conversation in one language
apart from their mother
28% in two languages
44% in none except in their mother
tongue

Most commonly used languages: EN,
DE, FR, IT, ES, RU

Multilingualistic reality in small states:
LUX: 92% of the population speaks
fluently 2 languages
„black sheeps“: Italy (16%), Ireland
(13%), Turkey (5%)



EU - Charter for Fundamental Rights (Nice, 2000)

Art.21 Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, **language**, religion or belief, political or any other opinion, membership of national minority, property, birth, disability, age or sexual orientation shall be prohibited.

Art. 22 Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and **linguistic diversity**.



European Union

Article 151 TEU

1. The Community shall contribute to the **flowering of the cultures** of the Member States, while **respecting their national and regional diversity** and at the same time bringing the common cultural heritage to the fore.
2. Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas:
 - **improvement of the knowledge and dissemination of the culture and history of the European peoples; ...**
3. The Community and the Member States shall **foster cooperation** with third countries and the competent international organisations in the sphere of culture, **in particular the Council of Europe.**
4. The Community **shall take cultural aspects into account in its action under other provisions of this Treaty**, in particular in order to respect and to promote the diversity of its cultures.
5. ...



Examples: Language Policy in the European Union

European Year of Languages 2001

European Day of Languages

Communication from the Commission to the Council (2007)

- Framework for the European survey on language competences

Communication from the Commission to the Council, the EP, the EESC and the CoR

- A new Framework Strategy for Multilingualism

Recommendations and reports from the EP

European Bureau of Lesser Used Languages (EBLUL)



Language Rights in National Systems

Free Use of Language in Private Sphere

- names/surnames in one's own language
- private publications, broadcasts allowed, regardless of language
- private posters, signs, songs, conversations allowed, regardless of language

Proportionate Use of Language by State Authorities

- state and administrative authorities use local languages in documentation and services to the public - to the degree appropriate
- public education provided in totality or in part, and to the level appropriate, in local/regional languages as medium of instruction
- active promotion, use of local/regional languages (cultural events ...)
- legislation prescribing how other languages may be used by state authorities



Italy

Italian Constitution

art. 3 Principle of non-discrimination

art. 6 Minority-Protection, *The Republic safeguards by means of appropriate measures linguistic minorities.*

art. 116 Autonomous Regions (*Friuli-Venezia Giulia, Sardinia, Sicily, Trentino-Alto Adige/Südtirol and Valle d'Aosta/Vallée d'Aoste have special forms and conditions of autonomy...*)

Autonomy Statutes

LAW 482/1999

SPAIN

Constitution of 1978

Article 3

1. Castilian is the official Spanish language of the State. All Spaniards have the duty to know it and the right to use it.
2. The other Spanish languages shall also be official in the respective Autonomous Communities in accordance with their Statutes.
3. The wealth of the different language variations of Spain is a cultural heritage which shall be the object of special respect and protection.

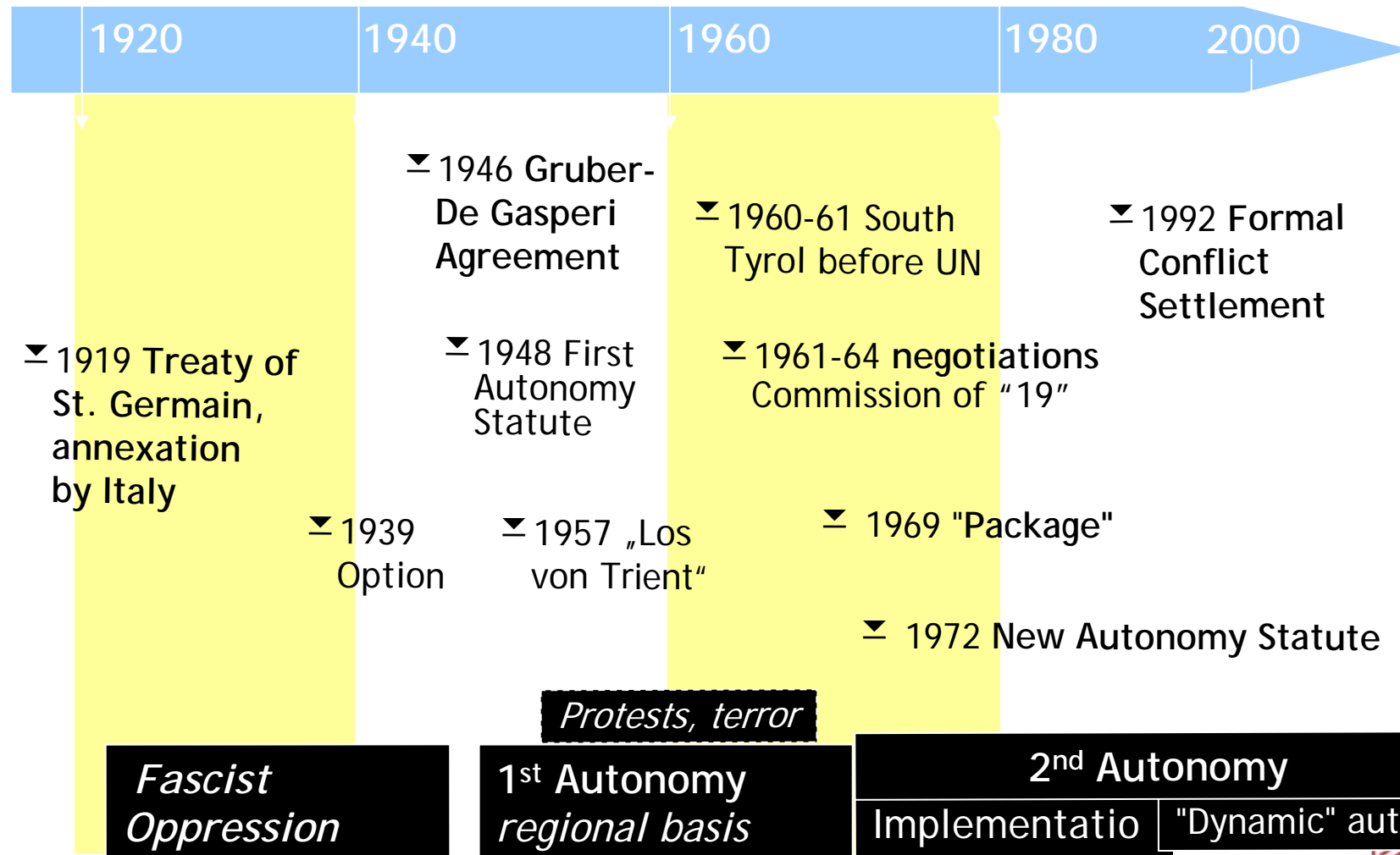
Statute of Catalonia 2006:

Catalan is the official language of Catalonia, as is Castilian, the official language of the whole of the Spanish State.

Catalan is to be considered preferential; duty to know Catalan and obligation of linguistic availability.



20th Century - Overview

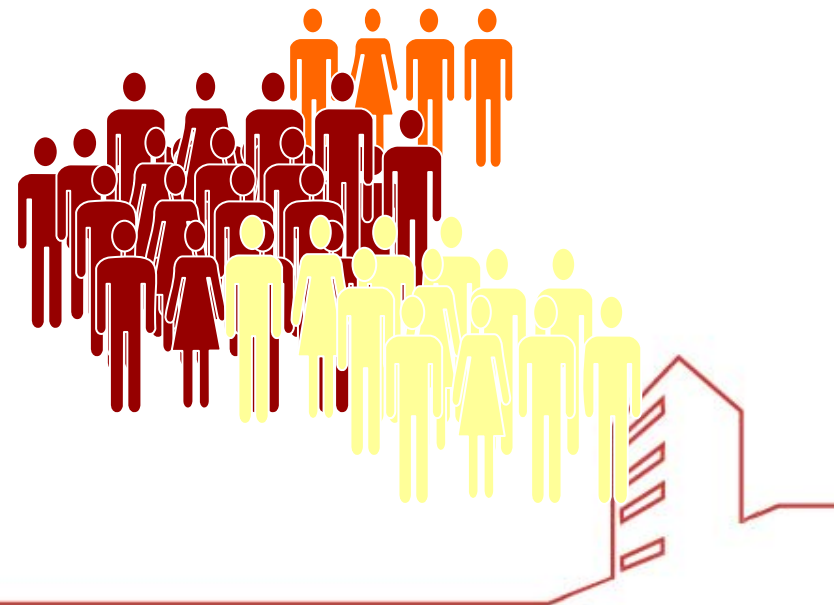


Group rights in South Tyrol

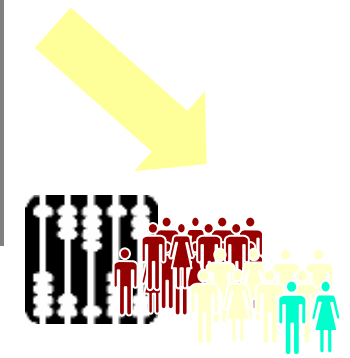
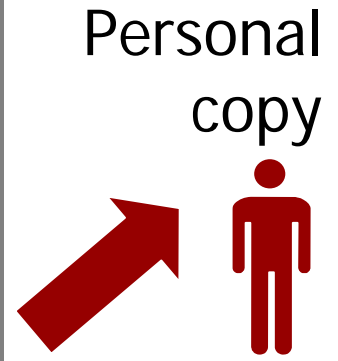
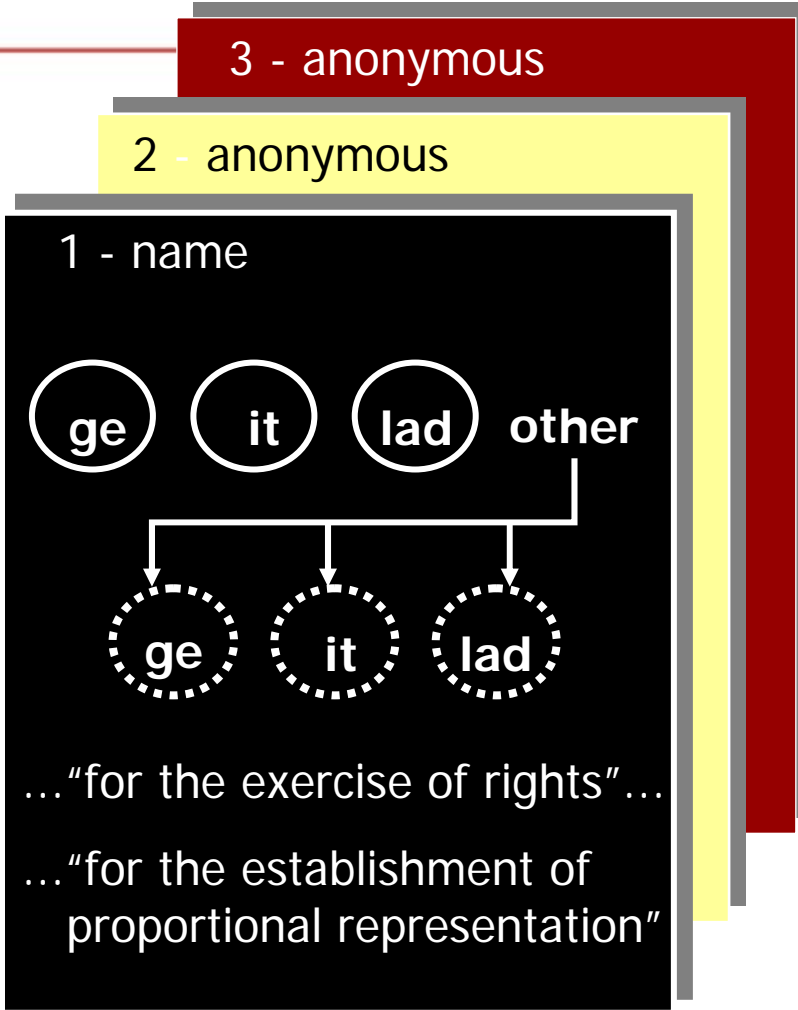
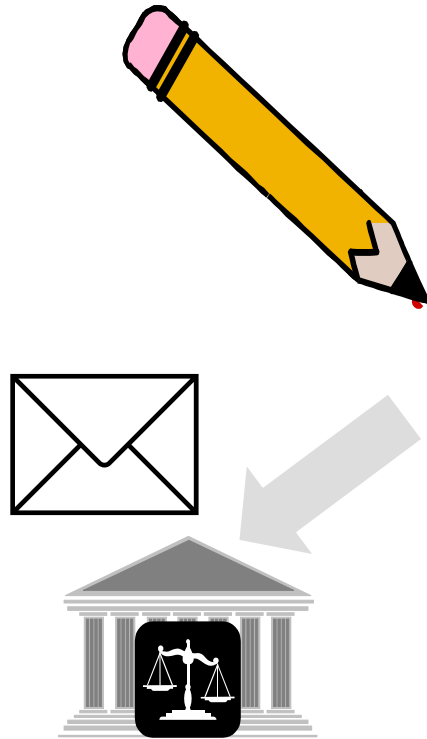
Art. 2 Autonomy-Statute

In the region all citizens are granted equal rights, regardless of the linguistic group to which they belong, and **their respective ethnic and cultural characteristics are safeguarded.**

- Cultural autonomy
- Proportional principle
- Parity of languages
- Veto rights



Census, Declaration



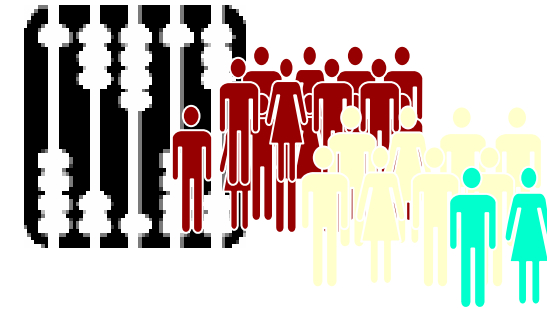
Since 2005:

- Only once in life, but
- Effects 1.5 years after declaration

Ethnic quota-system

Basis: numerical strength
of language groups

proportional ...



- **representation** for the allocation of public posts

- generally not applied to private bodies
- exceptions: bodies of public interest and/or of public finance; privatized enterprises

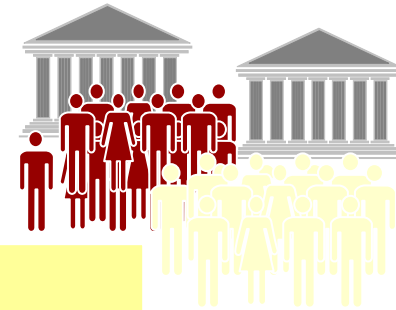
- **distribution** of public funds and resources

culture, housing, ...

Recently: more “flexible” application of the quotas



Cultural autonomy



Art. 2 Autonomy-Statute

In the region all citizens are granted **equal rights**, regardless of the linguistic group to which they belong, and **their respective ethnic and cultural characteristics are safeguarded.**

- bilingual administration and services
- separate school systems
- separate cultural offices for language groups



Bilingualism

Equal standing of Italian and German

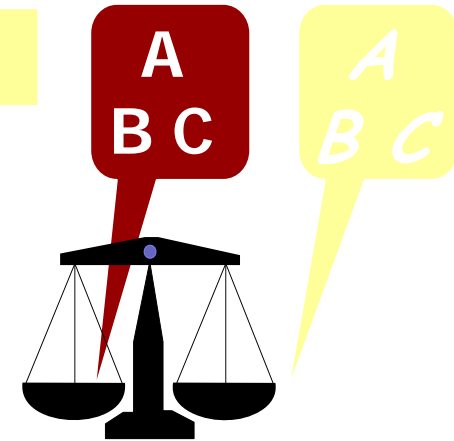
Co-official languages in the Region:

- Bilingual laws, administrative acts, documents, ...
- Mono- and bilingual trials in Court
- Bilingual administration and services

Exceptions: military and trilingualism in the Ladin valleys

Mandatory **bilingualism-exam** for entering public service (4 levels)

→ How to certify bilingualism? (reform?)



Right to use one's own /choose a language ?



School-organisation

Right to education in mother tongue

Separate school systems

German, Italian, Ladin;
mandatory second language-teaching
(Ladin schools trilingual)

Right to freely choose the school system

(limited by proof of language skills)

Recently: "mixed" cultural institutions

(European Academy, Free University, ...)



Open questions for discussion

- A Europe of peoples - challenges and dilemmas
- Does a common European linguistic diversity management characterized by its diversity exist?
- The EU and its questionable identity - reasons and solutions?
- EU`s linguistic diversity - official EU languages and minority languages
- European linguistic diversity policies *versus* national linguistic policies
- Intercultural sensitivity and intercultural communication
- Cultural pluralism *versus* cultural racism

... ..

Thank you! Comments and questions welcome!

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