European Centre for Minority Issues

EVALUATING POLICY MEASURES
FOR MINORITY LANGUAGES IN EUROPE:
TOWARDS EFFECTIVE, COST-EFFECTIVE
AND DEMOCRATIC IMPLEMENTATION

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INTRODUCTION

Over the past decade, minority issues have been steadily gaining attention in a variety of contexts, including international fora, government policies, or the action programmes of non-governmental organisations; they now also receive a media visibility that they probably never enjoyed in the past.

The current significance of minority issues (as well as the general interest in them) plays itself out at different levels. One of them is the *political and legal* level, where questions such as the extent and nature of the rights that minorities should enjoy are debated. One other (and often overlooked) level is that of the specific measures that need to be designed and implemented, once a legal framework for them exists. This raises a number of questions with an often technical nature, and which ought to be addressed in the general perspective of "policy analysis"—where the notion "policy" has to be clearly distinguished from the notion of "politics".

At this time, however, there is relatively little information, whether in terms of analytical tools or practical experience, on the *evaluation of policies addressing minority issues*. This applies in particular to *minority language policies*. Whereas there is considerable technical know-how, in a policy analysis perspective, on other types of issues (for example, in the case of policies that address economic inequality between groups, making it possible to *apply* such knowledge to the reduction of socio-economic disparities between majorities and minorities), much less is known about how to evaluate rigorously various language policy options, including in those cases where the languages concerned are minority languages.

The *European Centre for Minority Issues* (ECMI) therefore decided to launch a research project on this set of questions, under the title "Evaluating policy measures for minority languages in Europe: towards effective, cost-effective and democratic implementation". This project was submitted to the European Commission in June 1999, and received financial support under the Commission's programme of *support for action to promote and safeguard regional and minority languages* (DG X).

One important milestone in this project was an international conference held in Flensburg on 23-24 June 2000. This *Report* is devoted to describing the general context of the conference, presenting the core analytical concepts used, reporting on the substance of the debates which took place during the conference, and disseminating the *Recommendations* adopted in the concluding session.

Along with the *Recommendations*, this *Report* constitutes one of the outputs of the overall project. One further output, in progress at the time of writing, is a *Handbook* on the implementation of minority language policies in Europe, with particular reference to the *European Charter for Regional or Minority Languages*, to be produced in early 2001.

PART I : THE ISSUES

1. The context of minority language policies

Linguistic diversity has long been recognised as a defining characteristic of Europe, as an element conducive to the assertion of its identity, and as a condition for its democratic development; it is now also increasingly recognised as an asset enhancing creativity in all domains of social life, including social cohesion and economic performance. The legitimacy and value of linguistic diversity is, accordingly, underlined in a growing number of international treaties and other documents.

Such legal and political documents have come from a number of sources: the United Nations and its associated agencies, the Council of Europe and the OSCE. Mention in particular should be made of the *United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (1992), the *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE* (1990), the *Council of Europe Framework Convention for the Protection of National Minorities* (1994) and the *European Charter for Regional or Minority Languages* (1992).

The evolution of awareness can be traced also in the institutions of the European Union. Article 126 (Education) of the Treaty refers to the "cultural and linguistic

> *There is a growing awareness of the importance of Europe's linguistic diversity*

diversity" of the member states while Article 128 (Culture) makes reference to respecting the "national and regional diversity" of member states. Both of these articles first appeared in the *Maastricht Treaty*. The recently adopted *Amsterdam Treaty* (Article 128.4) requires that: "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". The *European Parliament* adopted four major resolutions on the regional and minority languages of the Community: those of *Arfé* (1981 and 1983), *Kuijpers* (1987) and *Killilea* (1994).

However, one of the most precise and detailed legal instruments aimed at protecting and promoting the linguistic diversity of Europe is the *European Charter for Regional or Minority Languages*, accorded the legal status of a convention by the Committee of Ministers of the Council of Europe in 1992. The Charter has found wide acceptance among the member states of the European Union. At the time of writing 23 of them—have already signed the Charter and 11 of these states—have already ratified it. In addition, five other member countries of the Council of Europe (though not of

> *The Charter is finding increasing acceptance*

the European Union) have signed and ratified the Charter (Croatia, Hungary, Liechtenstein, Norway, Switzerland) while five further states have signed it (Cyprus, Malta, Romania, FYROM/Macedonia and Ukraine). The *European Charter for Regional or Minority Languages* is therefore regarded as the basic document in reference to which issues related to the evaluation and implementation of minority language policies are addressed here.

On the basis of these legal documents (as well as of elements of national legislation), measures in favour of linguistic diversity are increasingly often advocated or specifically suggested. They make up, formally or informally, what is referred to here as "language policies" or "language policy measures". However, governments frequently encounter difficulties in the selection, design, implementation and evaluation of such measures, even if they are committed to their principle. In particular, there is evidence that governments find it difficult to assess the implications of their commitment, whether at the very general level of the management of linguistic diversity or at the very practical level of the financial costs resulting from, say, extended provisions for the teaching of regional or minority languages in the education system. Such difficulties of evaluation, in turn, hamper governments' ability to adopt and implement measures that would enable them to comply with some of their obligations resulting from their being party to such international instruments.

> *Governments are often ill-equipped to select, design, implement and assess language policy measures*

It is therefore necessary to investigate more closely the techniques (whether already available or in need of further elaboration) for the *ex-ante assessment* and *ex-post evaluation* of the *organisational and financial consequences* of measures in favour of minority languages, as well as for the general assessment of the effectiveness of policy measures. These are major challenges for language policy in general (as a field of research) as well as for language policies developed in practice, including in the case of regional or minority languages.

> *The technical analysis of language policies needs to be developed*

The emphasis placed here on the methodology to be used for decision-making and assessment also reflects one simple observation: the substance of the measures to be adopted in favour of minority languages is highly *case-dependent*, because the conditions that surround one particular language are highly specific. As a consequence, measures have to be tailored to the precise circumstances of each language, making it almost impossible to formulate general guidelines. By contrast, general guidelines regarding the *way* in which policy measures are selected, designed, implemented and evaluated can be developed, and constitute useful elements of a "good practice" approach to minority language policies.

> *The situation of each language is specific, but principles of good policy can be put forward*

This exercise requires moving away from the legal and political issues and toward the technical and analytical ones, starting with some basic definitions. The following definition of language policy (Grin, 1996) will be used:

> *Language policy is a systematic, rational, theory-based effort at the societal level to modify the linguistic environment with a view to increasing aggregate welfare. It is typically conducted by official bodies or their surrogates and aimed at part or all of the population living under their jurisdiction.*

If language policies are to "increase aggregate welfare" (as would normally be expected from *any* public policy), many very practical questions arise. Even when the broader social goals are agreed on (and reflected in legal norms), it is necessary to

> *Three core issues: effectiveness cost-effectiveness, and democracy in language policy processes*

check whether a particular set of measures can *effectively* reach these goals (or whether an *alternative* set of measures might not be preferable); among all the set of measures that *can* reach the goals assigned, is it possible to determine those that will be least costly or most *cost-effective* (and therefore garner broader support)? These are technical points, but how can we make sure that the approach to policy decisions, while taking account of these technical dimensions, does not become a purely technocratic exercise but remains a genuinely *democratic* process? These are the crucial questions addressed during the conference to which this *Report* is devoted—as well as in the broader project in whose context the conference was organised.

2. The research project as a framework for the conference—an overview

The conference to which this *Report* is devoted is part of a broader research project, whose main goals are:

(a)   the identification of specific challenges and opportunities encountered by governments in the adoption and implementation of policy measures in favour of minority languages, particularly in terms of the ex-ante assessment and ex-post evaluation of the implications of these measures;

(b)   the identification of the specific conditions which make the adoption and implementation of such measures easier or more difficult, as well as more or less cost-effective;

(c)   the identification and development of the techniques that can be used to assess the ex-ante implications, ex-post consequences, and general effectiveness and cost-effectiveness of measures considered and adopted, while also complying with requirements of democratic citizenship and participation of stakeholders, in particular members of the minority communities concerned;

(d)   the identification of forms of support that can be developed, in partnership with research institutions, international organisations NGOs, and specialised offices in national, regional and local administration, in order to assist governments in the assessment and subsequent implementation of such measures.

These aims can be broken down into ten specific goals as follows:

(1)   the identification of the *conditions* which ensure the greater *effectiveness and cost-effectiveness* of policy measures, in terms of their capacity to enhance the position and vitality of minority language communities in the European Union;

(2)   the identification of the norms, techniques and procedures applicable to the *general evaluation of the effectiveness* of such policy measures;

(3)   the identification of the norms, techniques and procedures applicable to the *ex-ante assessment* of the organisational and financial implications of proposed measures;

(4)   the identification of the norms, techniques and procedures applicable to the *ex-post evaluation* of the organisational and financial consequences of adopted measures;

(5)   the identification of possible forms of assistance to local, regional and national authorities in the ex-ante assessment and ex-post evaluation of the organisational and financial effects of measures considered or adopted, as well as in the general evaluation of the effectiveness of policy measures;

(6)   the formulation of a set of indicators and good practice guidelines for the ex-ante assessment and ex-post evaluation of the organisational and financial effects of these measures;

(7)   the formulation of a set of indicators and good practice guidelines for the efficient implementation and evaluation of such measures, with particular attention to the contribution of forms of subsidiarity in the selection, design and implementation of policy measures;

(8)   the general identification of forms of assistance to local, regional and national authorities in their efforts to promote the position of lesser-used languages, in compliance with the provisions of the international instruments to which states are party;

(9)   the identification of procedures ensuring that the requirements of democratic citizenship are met, in relation with all the above questions;

(10)   consideration of the specific problems posed by the enlargement of the European Union.

This project, which addresses a set of specialised, yet highly relevant practical issues in minority language policies in Europe, rests on a well-established body of theoretical expertise and literature mainly found in *language economics* and *policy analysis*. The scientific method guiding the realisation of the project is the adaptation of the instruments found in this specialist research to the practical problems of the selection, design, implementation and evaluation of minority language policies.

Theoretical tools and experience from some countries constitute a body of expertise which can be used in other countries

The techniques to be used allow, in principle, for the elaboration of procedures for a systematic evaluation of the effectiveness and aggregate costs of policy measures. However, these techniques require further development and streamlining. Some of the cases in which they have been applied are outside Europe (for example, Canada), and there is a need to investigate

their application to European contexts, particularly those of lesser-used languages. Some examples of application in the case of minority languages exist (for example, Irish, Welsh, Scottish Gaelic or Basque), but could usefully be extended to other cases across Europe.

The objectives of the project therefore fit into a longer-term research endeavour, and the work described here also aims at making a contribution to co-ordinated European research in this field and to the transfer of knowledge to users, while allowing the latter to express their priorities and concerns.

3. The core concepts

Three notions are of particular importance in the project which gave rise to the conference : effectiveness, cost-effectiveness and democracy.

Though well-known in general and theoretical terms, these three notions have not often been applied to practical problems of minority language policy. The assumption made here, however, is that they constitute relevant *principles* of good policies, and that they can be of use in the ex-ante assessment, the actual implementation, and the ex-post evaluation of these policies.

The notions of effectiveness, cost-effectiveness and democracy are rooted in fundamental concepts in the social sciences, in particular economics and political science, and a considerable literature is devoted to them. However, as soon as we move away from theory and edge towards application, clear-cut meanings are sometimes blurred. An in-depth discussion would exceed the scope of this *Report*, and in what follows, we shall therefore carve ourselves a simple path through these notions, deliberately avoiding some potentially difficult aspects, and focusing instead on transposing these theoretical notions to the sphere of practical questions.

3.1 Effectiveness

As a general starting point, let us say that what is "effective" is "something that works relatively well", or at least not worse than some other alternative we care to consider. Suppose for example that our goal is to ensure that a minority language is known and used by a large proportion of a population belonging to the minority group (e.g, for a

> *"Effectiveness" means "making a difference", which requires clear goals to be defined*

large percentage of Breton-, Frisian-, or Sámi-identified persons to be in a position to actually use Breton, Frisian or Sámi if they so desire); it is probably more *effective* to generalise its teaching throughout the education system and to make it widely available than to offer only restricted access to it, a few hours per week, to a small proportion of the minority language community in a few scattered areas (incidentally, a wider supply will also facilitate access to the minority language and culture for members of the *majority* community).
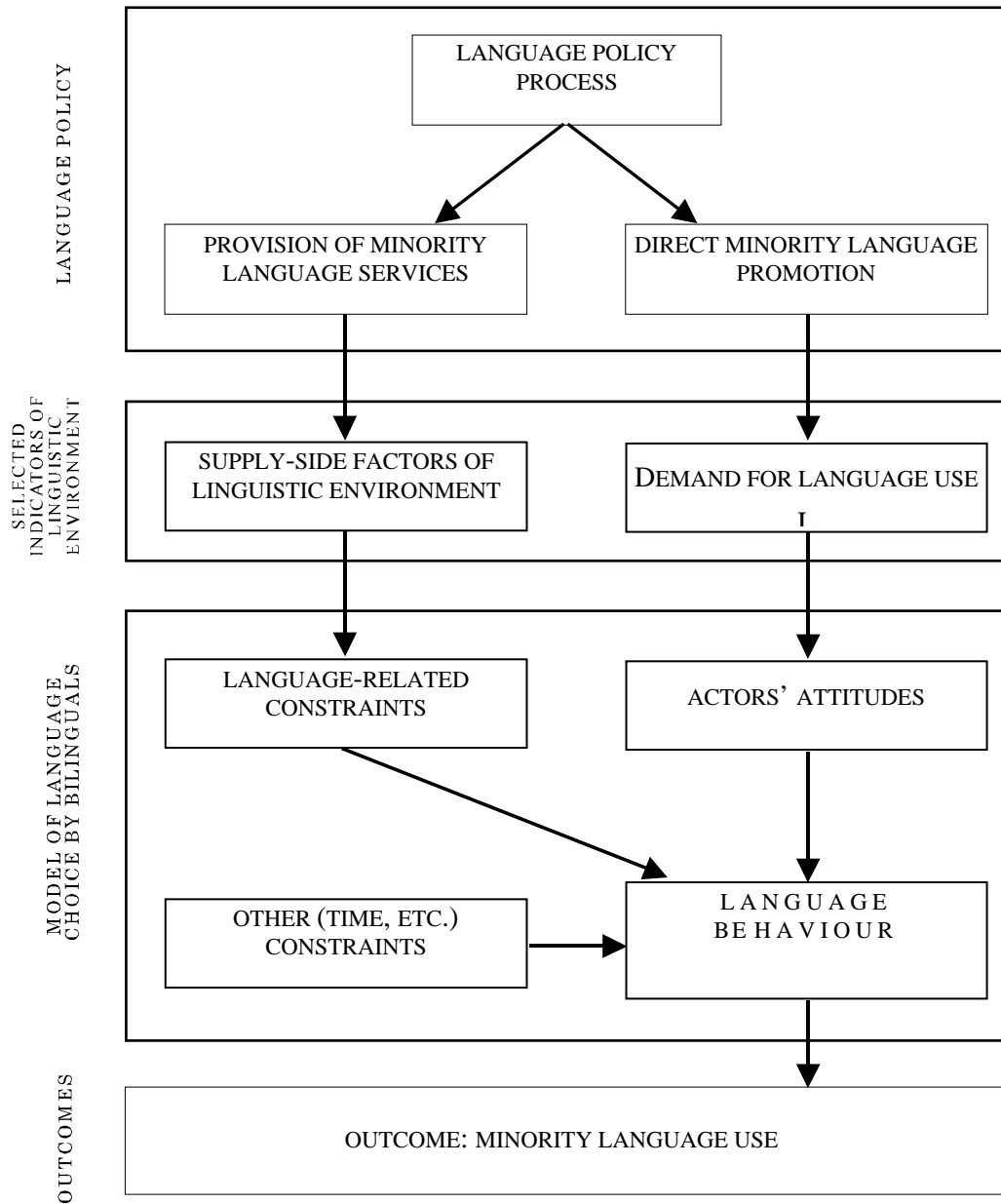
However, apart from the fact that the former, more *effective* option is likely to cost more (which raises the problem of *cost-effectiveness*, addressed in the following section), it is not always easy to assess the effectiveness of an option.

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The problem here is largely one of the identification of the ultimate goal (or, in economic parlance, of the "outputs") of a policy, and of the links between the policy measure and the ultimate goal. For example, suppose that a government programme is introduced which offers optional minority language courses to civil servants in order to raise the language skills of civil servants, which will better enable them to serve the public in the minority language concerned. How is the *effectiveness* of such a programme to be evaluated? One tempting option would be to count how many members of the civil service have actually taken this course, or completed it successfully. But unless the programme is very unattractive or poorly designed, we would quite naturally expect the number of civil servants with *some* knowledge of the minority language to increase as a result of such a programme. A much better criterion may well be the extent to which, *as a result of this programme*, the number of people who do use the minority language in their dealings with civil servants actually increases (or, alternatively, if the people who normally attempted to can now do so with higher frequency). Ultimately, the success of a promotional policy in favour of minority languages will rest with the perceptions of the public, and these are more likely to depend on whether they think they can use the minority language than on whether civil servants have taken a language course.

To evaluate policies, the first thing to do is therefore to identify a goal, or an outcome, that makes sense from the standpoint of the "clients" of the policy (that is, ultimately, the members of the minority groups, or even society as a whole). Suppose that our goal is "minority language use"—as distinct, for example, from the percentage of people who *can* speak it (either in the general public, or within the civil service). Therefore, policy measures will have to be evaluated in terms of the extent to which they can help increase actual minority language use.

Let us assume, for the sake of the example, that two types of policies are being considered, although other, more refined breakdowns can be found in the minority language literature. One can be defined as the "provision of minority language services"; it can be enhanced, among others, by a programme encouraging civil servants to learn the minority language and to serve residents in this language (when a resident requests it). The other can be defined as "direct minority language promotion": the aim of this type of policy is to improve the "image" of the minority language, which may have suffered marginalisation or repression over decades, if not longer. A better "image" will normally improve people's "attitudes" towards the language and encourage its use. The corresponding policy measures, which often display a significant "symbolic" component, can include upgrading a language to official status, increasing the visibility of the language through bilingual road signs, etc. The question then is to evaluate the extent to which such measures will *actually* result in an increase in minority language use. This evaluation, in turn, requires a step-by-step analysis of a set of cause-and-effect relationships that can be summarised in Fig. 1 ("Selected language revitalisation measures").

FIG. 1: SELECTED LANGUAGE REVITALISATION MEASURES

LANGUAGE POLICY

LANGUAGE POLICY PROCESS

PROVISION OF MINORITY LANGUAGE SERVICES

DIRECT MINORITY LANGUAGE PROMOTION

SELECTED INDICATORS OF LINGUISTIC ENVIRONMENT

SUPPLY-SIDE FACTORS OF LINGUISTIC ENVIRONMENT

DEMAND FOR LANGUAGE USE

MODEL OF LANGUAGE CHOICE BY BILINGUALS

LANGUAGE-RELATED CONSTRAINTS

ACTORS' ATTITUDES

OTHER (TIME, ETC.) CONSTRAINTS

LANGUAGE BEHAVIOUR

OUTCOMES

OUTCOME: MINORITY LANGUAGE USE

It would go well beyond the scope of this *Report* to embark on a discussion of these causal links; however, they raise a set of questions which were put before participants at the conference:

A1. What are the expected outcomes or goals of the specific minority language policies considered or actually implemented (e.g., for a specific language in the country of residence of a given conference participant)?

A2. How, and for what reasons, are these outcomes or goals selected?

A3. How clearly are the causal relationships between specific policy measures on the one hand, and goals on the other hand, identified?

A4. What steps are taken to identify and measure these causal relationships?

These questions, of course, may be raised with respect to practically every single one of the policies that can be considered for the implementation of the *European Charter for Regional or Minority Languages*, whether they pertain to education, public and judicial administration, or culture and the media.

3.2 Cost-effectiveness

The notion of effectiveness discussed in the preceding section, however, may not be sufficient. We may always be tempted to pick the most effective policy—but it is also very likely to be the most expensive one. It is, of course, easier to reach a certain goal by investing considerably more resources into the endeavour, but this does not mean that the *most effective* policy necessarily represents the *best* policy.

This is why it is useful to move on to a *second* step, and to examine *cost-effectiveness* (also sometimes referred to as "technical efficiency"). For now, suffice it to say that a production process can be considered *cost-effective* if, *given a certain amount of resources, the results are as good as possible*, or if, *given a certain goal, it is achieved at the lowest possible cost*.

This is easily seen graphically (Fig. 2). Let us put ourselves in the position of a language policy office and start from point *A*, where expenditure is x_2 (say, 20m EURO per year for a language revitalisation programme) and results are at level y_1, denoting, say, a certain *frequency* of language use among the population. How can we

> *Cost-effectiveness: reaching better results at the same cost, or a given result at lower cost*

be more cost-effective? A concern for economising resources while still ensuring the same result would lead us to try to move to point *B* (where we spend only an amount x_1 of resources, say 5m EURO per year, instead of 20, while still securing an unchanged level of language use y_1). Alternatively, the wish to get the best possible result (that is, as much minority language use as possible) with an unchanged amount of resources induces a move to point *C* (where the unchanged expenditure of 20m EURO per year now yields a higher output y_2, meaning for example that more members of the community use their minority language, and/or do so much more frequently—according to Fig. 2, almost twice as much as before).

The "feasible area" (shaded) is located below the curved line called the *effectiveness boundary*. It is a "boundary" in the sense that is not possible to be *more* cost-effective. If we are "on the boundary", and a certain amount of resources is devoted to the language policy, is not possible to achieve a better result with the same amount of resources. Alternatively, it is not possible to reach the same result while also spending less.

FIGURE 2 : A GRAPHICAL REPRESENTATION OF COST-EFFECTIVENESS
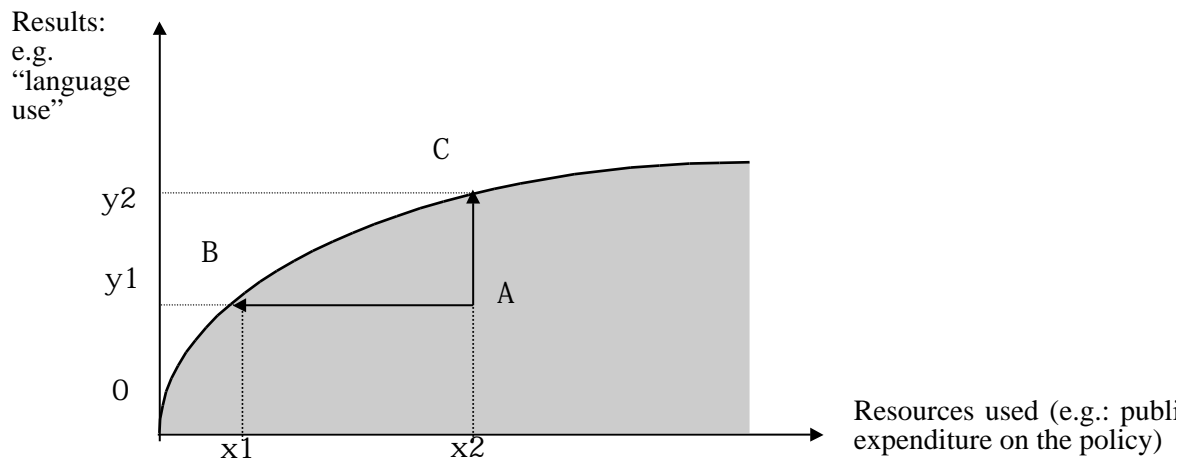
In short, cost-effectiveness presupposes that the best possible result is reached with a given expenditure, or that in order to achieve a given goal, no resources are wasted. A good minority language policy will therefore strive to achieve the maximum effect at minimum cost, or to minimise the expenditure made in order to reach a certain goal. Either way, a cost-effective policy is one where we can feel confident that we are *on* the "effectiveness boundary".

This may look like an needlessly technical point. However, there is ample reason to think that cost-effectiveness matters, for at least two reasons. The first is a simple one of public finance: an expensive policy is likely to be unsustainable in the long run; besides, the state has other goals to achieve and other policies to finance, in the fields of education, health, security, or transport, to name but a few. The second is one of acceptability in majority opinion: typically, majorities are not always inclined to look genially on expenditure for minority language promotion; they may dismiss it as an unnecessary indulgence (coming in the way of more urgent government tasks) or as pandering to special interests. The acceptability of policy measures in favour of minority languages can be greatly enhanced if the authorities are in a position to show that these measures are cost-effective.

Why cost-effectiveness?
- *general fiscal prudence*
- *acceptability by the majority*

However, the cost-effectiveness of measures is a remarkably little-known and under-researched area in public policy analysis, particularly (though not exclusively) in the realm of language policies. One particular problem is related to the distinction between *expenditure,* which is essentially an accounting figure, reflecting a certain amount directly "paid out" for staff, equipment, premises, etc. and *cost*, which is the

real, though not always apparent price tag of a particular policy. Given the fact that some expenditure often serves *more* than one policy, how can we be sure about the

| | net cost of a particular policy? These are classical |

"Expenditure" and "cost" are not identical

net cost of a particular policy? These are classical questions in policy analysis, but although they have been addressed, for example, in education policy, they hardly ever have in the case of language policy. Although some recent analytical work has made it possible to propose some guidelines and carry out some mutually comparable evaluations (e.g. in the cases of Wales, Ireland and the Basque Country), much remains to be done, particularly in order to develop, if not exact methods for evaluating cost-effectiveness, then at least sensible rules of thumb.

Such rules of thumb, however, may exist, and be already used (even if informally) in a number of cases, or they may be formulated on the basis of existing experience. One of the goals of the conference was also to gather such elements of experience, in response to the following questions:

B1. What do we know about the costs of minority language revitalisation policies?
B2. How is the information collected and processed?
B3. How are cost figures related to outcomes or goals in order to estimate the cost-effectiveness of particular policies?
B4. How can we ensure that these indicators (expenditure, cost, cost-effectiveness) are expressed in mutually comparable units, in order to make a comparison possible, and hence to select the most cost-effective policies?

Again, these questions are relevant with respect to practically every single one of the policies that can be considered for the implementation of the *European Charter for Regional or Minority Languages*.

3.3 Democracy

Even if a policy is cost-effective, it does not mean that it *should* be adopted. Two distinct problems need to be identified.

The first is that all the cost-effective policies (namely, all those that are on the effectiveness boundary shown in Fig. 2) are not necessarily equally good; most likely, some are absurd, while some are better than others—and one may be preferable to any other. Selecting one policy among the cost-effective policies is, in final analysis, a *political process*, which cannot be discussed extensively here. *In theory*, democratic institutions and majority rule, coupled with appropriate safeguards for minorities, will

Bottom-up democracy constitutes a safeguard against a purely technical approach to policy

deliver the policies that citizens prefer. However, this theoretical vision is not sufficient. Apart from the question (not addressed here) of whether non-citizens should also have a say in such matters, there is one frequently overlooked problem in the approach to effectiveness and cost-effectiveness sketched out above. This problem is that of "technocracy". The vetting process whereby policies can be labelled as more or less effective or cost-effective is one that could be approached in purely *technical* terms, but a purely technical approach carries a *technocratic* ideology, which may be at variance with democratic standards.

This risk of discrepancy is becoming increasingly visible in modern times, which are characterised by the generalisation of what some sociologists, particularly in the

Long term trends in social movements imply increasing expectations in terms of real democracy

theory of social movements, call the individual and collective "subjectivation" process—that is, the increasing capacity of individuals and groups to develop their identities according to their own, self-chosen processes and dynamics, and to build positive images of their collective self. This deep-seated process, despite occasional setbacks under repressive regimes, is accompanied by social actors' increasingly manifest desire to freely determine their own future, as well as the criteria with which they make choices. To a large extent, the reassertion of minority languages and cultures can itself be interpreted as a manifestation of this process.

Therefore, social actors are less and less likely to content themselves with the purely formal dimensions of democratic institutions, and with a technocratic approach to the policies adopted by those institutions. For example, it may not be enough to let them elect political representatives, who will then be entrusted with the adoption and implementation of policies selected through a purely technical process. Increasingly,

All social actors should participate in the language policy process

democracy requires that individuals and groups (or "social movements", often expressing themselves through non-governmental organisations, local, national or international) can have a direct say in the process through which policies are assessed, selected, implemented, and finally evaluated ex post. This important feature of modern societies (which is also a powerful engine of *democratisation*), suggests that we should not merely look into the formal institutional set-ups whereby people (particularly members of language minorities) can participate in the language policy process; it is important, at all stages of this process, to remember the "*auto-nomy*" of social actors. This raises a third set of questions, which largely pertain to the implementation of a bottom-up democracy, namely:

C1. How, and through what mechanisms and institutions, are minority language policies discussed in the public arena?

C2. How is relevant and extensive information made available to citizens (or, more broadly, to all permanent residents)?

C3. How are the conflicting interests expressed by different citizens and groups of citizens arbitrated?

C4. How are some of these concerns eventually "taken on board" and integrated into policy decisions?

Here again, we are faced with very general questions, which apply to practically any of the measures that can be adopted in order to implement the *Charter*, but which have remained largely under-researched in the field of language policy.

4. About the European Charter for Regional or Minority Languages

The *European Charter for Regional or Minority Languages* aims at ensuring the linguistic and cultural diversity of Europe by defining it as an integral part of the

continent's heritage. After careful preparation, following political developments marked by the adoption of successive Resolutions by the European Parliament (in particular the Arfé Resolutions in 1981 and 1983), the Committee of Ministers of the Council of Europe adopted the Charter on 25 June 1992 and opened for signature on 5 November the same year. The Charter entered into force on 1 March 1998[2]. The unique characteristics of the Charter are its emphasis on language, rather than on ethnic minority questions, and its focus on very precise commitments by States. The Charter avoids conflict-ridden (and often rather vague) terminology such as "national minorities", "Volksgruppen" or "groupes ethniques", and in that respect contrasts with another Council of Europe instrument, that is, the *Framework Convention for the Protection of National Minorities*. The Charter keeps away from the "essentialist" perspective implicit in the *Framework Convention*, in which minorities (and membership of it) are taken *a priori* (but not defined). Instead, it focuses on a clearly identified marker of identity (language); the relationship to regional or minority languages is defined in terms of *use* of these languages. Since general human rights, such as non-discrimination and the right to use of one's own language, can be derived from other documents such as the *United Nations Universal Declaration of Human Rights* of 1948, the Charter starts from those rights and addresses the issue of the measures that need to be adopted to give them actual substance, despite the heterogeneous interests of the various parties concerned, the objective differences in the historical experience and legal traditions of States, and sometimes fears with respect to manifestation of regional or minority identities. Although at the time of writing only a minority of member states have acceded to the Charter, their number is certain to grow. Apart from the Council of Europe itself, the European Parliament has consistently expressed its support, for example with the Killilea Resolution (9 February 1994) urging EU Member States governments to ratify the Charter, by a majority of 321 votes to 1 and 6 abstentions. Furthermore, regions which, as a consequence of the processes of decentralisation and devolution, wield more influence than before, are generally likely to encourage accession to the Charter.

4.1 The structure of the Charter

The authors of the Charter were confronted with the problem of drafting an instrument that would be relevant to the extremely diverse situations in which

> *The Charter is also a yardstick for assessing the position of regional or minority languages*

Europe's regional or minority languages find themselves. In particular, these languages differ in terms of absolute numbers of speakers, the degree of concentration or fragmentation of language communities (which include very dispersed groups as well as strongly territorially implanted ones, sometimes straddling national borders), the spheres of life (in sociolinguistic parlance, the "domains") in which they are spoken or written, which range from a strictly private use to a high degree of public recognition, sometimes including official status. The legal and constitutional circumstances in which these languages are placed also vary enormously. This is why the Charter can also be serve as a common yardstick to assess the position of various languages, identify areas in which their use can be promoted, and evaluate progress already achieved.

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[2] The Charter builds on principles also found in the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950).

The Charter contains a Preamble and five parts.

The Preamble clearly establishes the principal aim of the Charter: "a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity." Referring to the United Nations International Covenant on Civil and Political Rights and to the European Convention on Human Rights, the Preamble calls for special support for regional or minority languages, as the mere prohibition of discrimination against their users cannot constitute a sufficient safeguard. At the same time, it underlines that no measures should have a detrimental effect upon the official language, and that the necessity of having a settled knowledge of the state language is considered important.

> *The Preamble emphasises the importance of cultural diversity*

Part I (Articles 1 through 6) concentrates on general provisions and the difficult task of naming the object of the protection offered by the Charter. "Regional or minority languages" are traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population. The notion of "territory" is therefore an important one in the Charter, but it is not restricted to those areas where users of the regional or majority language constitute a local majority, since many languages have become minority languages as the result of a process of attrition. The Charter should apply where the number of people justifies the adoption of various protective and promotional measures, meaning that States are not required to cater to the needs of extremely small language communities; the definition of the critical number of users, however, is up to each State to assess for each language concerned. Allowance is also made for non-territorial languages, despite the fact that they do not have a traditional association with a particular territory. Dialects of official languages are not considered languages in the genre of the Charter; however, lesser-used official languages are included.

> *Part I defines the concepts of "language" used in the Charter and the functioning of the Charter*

The authors of the Charter explicitly avoided any suggestion that some languages are more than others deserving of protection and promotion; immigrant languages, however, are not covered by the Charter, which at no point gives a list of the languages to which it should apply. Such a list would have been certainly disputed on linguistic as well as political grounds. It is therefore largely left to the parties themselves to determine which provisions should apply to which language. In addition, the first part further explains how the implementation of the obligations is meant to be realised, and that it should in no way lower any pre-existing standards in the country concerned. Despite its legally binding character, the Charter is also notable for its flexibility. Each Party must apply the entirety of Part II (see below) to all the regional or minority languages spoken on its territory and which complies with the above definition. However, choices can be made regarding the provisions in Part III. Out of the 68 options contained in the treaty, the States have to apply a minimum of 35. Out of these 35, at least three must be chosen from Article 8 ("education"), three from Article 12 ("cultural activities and facilities"), and one each from Article 9

> *The Charter contains mandatory and optional parts, allowing for both purpose and flexibility*

("judicial authorities"), 10 ("administrative authorities and public services"), 11 ("media") and 13 ("economic and social life"). The choice must be made with respect to each of the languages to which Part III of the Charter applies in a State, and specified in the ratification instrument.

Part II of the Charter (Article 7) sets out general principles and standards that apply to all regional or minority languages, without stating implementation measures. Firstly

> *Part II contains a common core of principles applying to all regional or minority languages*

the state has to recognise the existence of one of these languages and respect their respective geographical areas. Apart from a significant emphasis on elimination of discrimination, this part of the Charter requires the State to ensure the maintenance of regional or minority languages through education (for both speakers and non-speakers) and through promotion of inter-language contacts. It further requires the establishment of bodies to represent the interests of these languages, and emphasises once again that non-territorial languages should be given appropriate consideration.

Part III (Articles 8-14) contains a series of specific provisions in the fields of education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, and economic and social life. Article 8 makes reference to successive tiers and various components of the education system of education, from nursery school up to university and adult education. The next two articles concern the use of regional or minority languages before judicial or administrative authorities, as well as for communication with public services. Article

> *Part III proposes a list of policy measures from which States must choose at least thirty-five*

11 addresses the supply of and access to media and other forms of mass communication, and the affirmative action that the state should take to ensure that supply and access are not hampered by numerical or financial restrictions. In the same vein, Article 12 on cultural facilities aims to ensure that cultural activities in these languages are provided and accessible. In order to restore the conditions for a natural use of regional or minority languages, Article 13 puts forward measures to facilitate their use in business, commerce, the provision of various services, etc. The final article of Part III (Art. 14) addresses the situation of regional or minority languages straddling national borders. In such cases, trans-frontier exchanges (cultural, educational and economic) should be allowed and supported. These exchanges can be arranged by regular bilateral or multilateral agreements as well as between local and regional authorities across borders.

The *à la carte* structure of this part affords a considerable degree of flexibility to the governments when implementing these rights. Although reservations can be made by States in their ratification instrument, the Charter offers at the least a minimum of protection, especially in the most crucial spheres of language use. In general, governments are obligated to select provisions "according to the situation of each language", which can, in the long term, open the way to further measures in favour of regional or minority languages. Individual countries are of course encouraged to adopt more generous measures than those required by the Charter.

	Part IV concerns the application of the Charter, which should be assured in two ways. First, the Parties must periodically present a report of their policies to the Secretary General of the Council of Europe (the first report has to be handed in after one year, later at three-yearly intervals). Second, a
Part IV addresses application, including the setting up of an expert committee	

committee of experts has to be set up in order to examine these reports. These experts, by using information from their different sources, are then required to assess whether the provisions applied to a certain language are in line with the commitments undertaken by the State.

Part V contains final provisions regarding signature, reservations and ratification as well as the entry into force of the Charter.

4.2 The importance of the European Charter for Regional or Minority Languages

The importance of the Charter lies in its focus on concrete commitments concerning language protection and development. As a growing number of European states accept the Charter, these precise duties are becoming a meaningful yardstick for the treatment of minority language groups in all spheres of public life.

One of the most remarkable aspects of the Charter is the work of the Committee of experts. Parties to the Charter voluntarily accept a system of international supervision.

	This acceptance can in part be explained by the fact that in its spirit, the Charter in no way undermines nation states or questions national sovereignty or international borders. Rather, the Charter stresses the value of linguistic and cultural diversity as part of Europe's
States have subscribed to a detailed system of international supervision	

common heritage, and creates conditions for users of regional or minority languages for minorities to feel recognised as legitimate components of society in the state in which they live as a result of history; as such, it can be seen as a contribution to stability. The monitoring mechanism of the Charter, will initially contribute to evaluating existing legislative and policy measures in respect of the languages covered by the protection of the treaty and to evaluate if the contracting parties have achieved the goals that they set themselves with the choice of paragraphs and sub paragraphs. As the situation in a respective state changes, there will be possibilities for the state to amend its instrument of ratification, thereby reaching a higher level of protection.

Despite the fact that the principles guiding the Charter were drafted prior to 1989, thus reflecting prevailing conditions in Western Europe, the guidelines it contains are

	also proving relevant for Eastern and Central Europe and this is especially due to the flexible character of the charter , permitting it to take into account the various situations of regional or minority languages. One of the current challenges to be addressed in the
The Charter is relevant to both Western and Eastern Europe	

implementation of the Charter in countries of this region is to assist them in securing the analytical, organisational and material resources to this end. At the time of

writing, six countries in Central and Eastern Europe and in the CIS have signed the Charter, and three of them have also ratified it.

PART II: THE ECMI CONFERENCE

5. Conference organisation and programme

5.1 Organisation

The conference's **first goal** was to discuss the notions of effectiveness, cost-effectiveness and democracy, and to establish their relevance to the success of the policies under consideration in favour of minority languages, with practical reference to the implementation of the Council of Europe's *European Charter for Regional or Minority Languages*.

Its **second goal** was, through discussion and comparison of situations in different countries, to generate and share experience in order to improve our knowledge base about the implementation of minority language policies, with particular reference to effectiveness, cost-effectiveness and democracy viewed as principles of "good policy".

Its **third goal** was to contribute to the development and dissemination of useful analytical and procedural instruments for the assessment, implementation and evaluation of minority language policies. In so doing, the conference organisers also aimed at developing tools to assist authorities in implementing the *Charter*, to help states that have not yet ratified (or signed) the *Charter* to assess the practical implications of doing so, and to offer assistance to other organisations, particularly NGOs, involved in minority language policies. Achieving all these goals, however, required a fairly rigorous organisation of the conference.

The conference started, in **Part I**, with a general presentation of the *European Charter for Regional or Lesser-Used Languages* (see *Programme* at the end of this section).

Parts II to **IV** were devoted to the core issues of effectiveness, cost-effectiveness and democracy in the selection, design, implementation and evaluation of policies adopted under the Charter. This resulted in the following structure.

On the one hand, in order to report on *existing* experience, some cases had to be selected. Three countries who are already implementing the *Charter* were chosen, namely, the Netherlands, Finland, and Hungary. On the other hand, in order to analyse their experience with respect to specific areas (or, in sociolinguistic terms: "domains") to which policy measures are applied, and, more specifically, areas which are addressed in the *Charter*, some such areas had to be selected. The ones chosen (in close consultation between the European Centre for Minority Issues, the Council of Europe, and the European Bureau for Lesser-Used Languages) were the following: education; public and judicial administration; culture and media. Other spheres of minority language policy intervention could have been examined, such as "economic

and social life" (to which Art. 13 of the *Charter* is devoted), but the three areas selected were considered, at this time, to have particular strategic importance.

These two dimensions were then "crossed", and an expert on the Dutch experience was invited to speak on the implementation of the Charter in the sphere of education; an expert on Finland came to talk about his country's experience with implementing the Charter in the fields of public and judicial administration; and an expert from Hungary reported on this country's experience with the implementation of the Charter in the broad area of "culture and media". Each speaker was asked to address his or her subject with respect to effectiveness, cost-effectiveness and democracy, and to convey elements towards answering the twelve questions posed in Chapter 3 ("The core concepts").

Each of these presentations was followed by comments by analysts, who discussed whether—and for what reasons—the procedure adopted for a given minority language and in a given sphere could be seen as "effective", "cost-effective" and "democratic". Following these "analysts' comments", a general discussion concluded each part. The contents of each presentation, and of the ensuing comments and discussion, are summarised in Chapter 6 of this Report.

Finally, **Part V** was devoted to a general wrap-up, and to the discussion of a set of *Recommendations* (reproduced in Section 7).

5.2 Conference programme

EVALUATING POLICY MEASURES FOR MINORITY LANGUAGES IN EUROPE : Towards effective, cost-effective and democratic implementation

Friday, 23 June (venue: Duborg Skolen, Ritterstr. 27, Flensburg)

PART I: INTRODUCTION

09:10-09:40 1. Welcome of participants. Ambassador Peter DYVIG, Chairman of ECMI Executive Board and Orientation by Dr François GRIN, ECMI Deputy Director

09:40-10:10 2. Opening Keynote Address. Speaker: Ambassador Smaranda ENACHE, Ambassador of the Republic of Romania to Finland

10:15-10:45 Coffee break

10:50-11:20 3. The Contents of the European Charter for Regional or Minority Languages. Speaker: Dr Philip BLAIR, Director of Co-operation for Local and Regional Democracy, Council of Europe, Strasbourg

11:25-11:55 4. The control mechanisms of the Charter. Speaker : Ms Vesna CRNI_-GROTI_, Vice-President of the Committee of Experts for the implementation of the Charter, Rijeka

12:00-12:30 5. Implementing the Charter: the contribution of the European Bureau for Lesser Used Languages. Speaker : Mr Christian BRANDT, Vice-President of EBLUL, Brussels-Dublin

12:30-14:00 Lunch break

PART II: EDUCATION

14:00-14:40 6. Implementing educational measures: the Dutch experience. Speaker : Prof. Durk GORTER, Fryske Akademy, Ljouwert/Leeuwarden

14:40-15:20 7. General discussion

15:20-15:50 Coffee break

15:50-16:30 8. Analysts' reactions: effectiveness, cost-effectiveness, democracy. Speakers: Prof. Viv EDWARDS, University of Reading; Prof. François VAILLANCOURT, University of Montreal; Prof. George SCHÖPFLIN, University College London.

19:00 Dinner with dinner address by Ms Renate SCHNACK, Delegate to the Minister-President of Schleswig-Holstein for Border Region Affairs.

Saturday, 24 June (venue: Duborg Skolen, Ritterstr. 27, Flensburg)

PART III: PUBLIC AND JUDICIAL ADMINISTRATION

09:20-09:30 9. Introduction to 2nd day of conference. Dr François GRIN

09:30-10:10 10. Implementing measures in the field of public and judicial administration: the Finnish experience. Speaker : Prof. Kjell HERBERTS, Åbo Åkademi University -IFS, Åbo

10:10-10:40 Coffee break

10:40-11:20 11. General discussion

11:20-12:00 12. Analysts' reactions: effectiveness, cost-effectiveness, democracy. Speakers: Prof. Kas DEPREZ, University of Antwerp; François VAILLANCOURT, University of Montreal; Prof. George SCHÖPFLIN, University College London.

12:00-13:40 Lunch break

PART IV: CULTURE AND MEDIA

13:40-14:20 13. Implementing measures in the field of culture and media: the Hungarian experience. Speaker : Ms Judit SOLYMOSI, Head of Department of International Relations, Office for National and Ethnic Minorities, Budapest.

14:20-15:00 14. General Discussion

15:00-15:40 15. Analysts' reactions: effectiveness, cost-effectiveness, democracy. Speakers: Mr Mikael BAUDU, TV Breizh; Prof. François VAILLANCOURT, University of Montreal; Prof. Tove SKUTNABB-KANGAS, University of Roskilde.

15:40-16:10 Coffee break

PART V: TOWARDS GOOD PRACTICE GUIDELINES

16:10-16:30 16. Presentation of draft recommendations. Speakers/Rapporteurs : Dr. Dónall Ó Riagáin, Special Advisor, EBLUL and Dr. François Grin

16:30-17:10 17. General debate and adoption of recommendations

17:10-17:30 Closure. Dr. François Grin

19:00 Brief introduction to the activities of the ECMI by Director Marc Weller and Dinner

6. Summary of presentations, comments and discussions

6.1 Introductory and Orientation Session

In his welcome address, Peter **Dyvig**, Chairman of the ECMI Executive Board, described the activities of the ECMI and indicated that the conference exemplified their implementation strand, illustrating his point with information on the occurrence of bilingualism in the German-Danish border region in which the ECMI is located. François **Grin**, ECMI Deputy Director, then gave a general orientation on the goals of the conference, indicating that its focus was on the *implementation* of legal provisions for minority languages, rather than on the discussion of standards for human and minority rights. The aims of the conference were to build bridges between analytical concepts and practical problems, and to clarify the approach to policy measures and their social, institutional, political, educational and other relevant dimensions under the aspects of *effectiveness*, *cost-effectiveness* and *democracy*.

> *A focus not on rights, but on policy measures*

In her opening address, Smaranda **Enache**, Ambassador of the Republic of Romania to Finland and Vice-Chairperson of the ECMI Advisory Council, underlined the differences between the "Framework Convention for the Protection of National Minorities" and the "European Charter for Regional or Minority Languages". The latter more directly emphasises the protection of language rather than other dimensions of minority identities. Ms **Enache** then gave an overview on the situation in Central and Eastern Europe. In addition to the historical linguistic diversity of this region, she discussed the new perspectives after the fall of totalitarian regimes in the region, but also mentioned the fact that democratisation and the rise of human rights concerns were often taking place without being accompanied by an extension of

> *The fall of totalitarian regimes did not single-handedly bring about improvements in the rights and living conditions of minorities*

minority rights. The communist social homogenising policy was replaced by new fears of national disintegration—and neither left much space for minority rights. Only the EU accession criteria forced these countries to change their policy towards ethnic or linguistic minorities and led to the acceptance of the *Charter* in some countries; by furthering democratic agendas, the Charter generates "added value". Once a more liberal course has been chosen, the biggest threats to its realisation are pecuniary problems: states with a modest GDP per capita would hold back in the implementation of their obligations under the Charter, without considering the cost of *not* acting (in terms of stability, ethnic peace, conflict prevention…); consideration of issues of effectiveness and cost-effectiveness would also contribute to the *transparency* of policies regarding minorities. Ms **Enache** noted that ultimately, political will is a determining factor and that the values held by the states would be a prime influence on policy development; she expressed in her conclusion the hope that the ECMI could contribute to the understanding of the importance of minority rights protection for further democratic development.

> *Inaction in the field of majority-minority relations can carry a significant cost*

During the ensuing discussion, George **Schöpflin** asked for a definition that would allow to declare one measure "cosmetic" and another one "effective". On this François **Grin** stressed the issue of clear goal formulation, but also argued that it is important to see issues of effectiveness in the context of the principle of democratic goal-setting, which is why any definition of *effectiveness* would have to take into account the opinion of minorities regarding the goals to be pursued. Answering a question by Zelim **Skurbaty**, Smaranda **Enache** pointed out that, apart from political goodwill, the transposition of the Transylvanian minority model would be very difficult (both to other regions in Romania and to other countries in Central and Eastern Europe).

In his presentation, Philip **Blair**, Director of Co-operation for Local and Regional Democracy at the Council of Europe, gave an overview of the contents of the *European Charter for Regional and Minority Languages*[3]. He first reminded the audience that the *Charter* is not about "minority rights", but about the actual use of "languages" themselves, further noting that the situation of these languages throughout Europe is extremely diverse (whether in terms of the number of speakers, the political representation of the language communities, or the legal systems of the countries in which they are placed). Thus, the *Charter* may serve as a yardstick to judge those differences and compare situations, and Philip **Blair** welcomed the complementarity between official monitoring of the *Charter* and academic contributions to its evaluation. The *Charter* is a very flexible instrument. For example, its Part III offers three dimensions of choice: in terms of languages targeted; in terms of the provisions chosen (a minimum of 35 must be selected), and through the options provided in many paragraphs. In so doing, however, it goes *beyond* standards and moves on to policy. It lays down obligations for governments to ensure not just language rights, but actual

> *The Charter is by nature concerned with implementation; good policy principles for the latter are necessary*

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[3] A description of the contents of the Charter is provided in Chapter 4 of this *Report* and therefore not repeated here.

language use in the main areas of public life (media, education, legal system…). The "Committee of Experts" set up to monitor the realisation of states' obligations under the *Charter* must not only assess the implementation of measures in general terms, but also evaluate the *effectiveness* of the measures chosen—which implies an evaluation of which policy is best suited to the situation of a certain language. Another important consideration, particularly in countries in transition, would be *cost-effectiveness*—meaning the implementation of measures with the lowest cost, but with the same outcome. Cost is an important aspect in that it may work as a deterrent to acceding to the *Charter*, or induce some states to stay away from particular options, or to restrict the applicability of an option. Real costs are not very well-known, but fears regarding the magnitude of those costs appear to be exaggerated. However, this evaluation work should go hand in hand with the most important principle of language policy: *democracy*. Any legislative activity must pass the test of acceptance by the minority and by the majority.

In the following discussion, Tove **Skutnabb-Kangas** raised the question of why sign languages were excluded from minority language status. Philip **Blair** and Christian **Brandt** argued that the authors of the Charter did not envisage the case of sign languages, and the Charter was not designed for them. It would be up to the Committee of Experts to decide whether sign languages were fully covered by the definition in the Charter. In any event, just as the explanatory report on the Charter acknowledges the need for a separate instrument to deal with the question of the languages of immigrants, so too specific measures should be taken in relation to sign languages. Tove **Skutnabb-Kangas** and Viv **Edwards** observed, however, that sign languages (which have only in recent years been recognised as full-fledged languages), being absolutely indigenous in Europe, could be included by the *Charter* as non-territorial languages, all the more since 50% of all minority language users communicate in a sign language. A further question was whether non-member states of the Council of Europe could be allowed to ratify the *Charter*, as for instance Azerbaijan and Bosnia-Herzegovina intend to. Philip **Blair** saw no obstacles to a voluntary ratification and expressed his interest in a Canadian participation, due to its experience with linguistic diversity and respective language politics.

> *Sign languages are increasingly recognised as indigenous minority languages*

Vesna **Crni_-Groti_**, Vice-President of the Committee of Experts for the implementation of the *Charter*, gave a detailed account of the set-up and the work of the Committee as the control mechanism of the *Charter*. The Committee is composed of one member per ratifying country (currently nine, with the recent appointment of a Swedish member), who is elected for a term of six years, renewable once. All decisions require a two-thirds majority (except for procedural questions, where a simple majority is sufficient); consensus, however, works in practice. Five meetings have been held since June 1998. The Committee is mainly made up of lawyers, although three of its members are language specialists. The main task of the Committee is to examine the State Reports due every three years, in addition to the first report, the first one, which must be handed in after the first year. The reports provide general information of a demolinguistic and

> *The Expert Committee's main task is to assess the implementation of governments' commitments*

legal nature, list important stakeholders and organisations, indicates the measures taken by the State to apply Art. 7 of the *Charter[4]*, and the specific measures (paragraphs or sub-paragraphs) implemented to specific regional or minority languages chosen in the ratification instrument. This information has to be assessed, and policy measures examined with respect to two main questions: "Do they correspond to the engagements to which states have subscribed?" and "Do they correspond to the real situation?" The Committee has the right to ask governments for verification of the information provided; it may also carry out on-the-spot-missions, and can be contacted either by government officials or NGOs (legally established in the respective country—which excludes international organisations), who may comment on the state report (which are published[5]). Rather than acting as a judge or as a kind of a judicial institution, the Committee of Experts intends to increase the awareness of governments regarding minority languages. Finally, the Committee has to prepare a report of the Committee of Ministers; this report is accompanied by comments by the parties—that is, the states themselves.

In the following discussion, Priit **Järve** asked why no country of the former Soviet Union had ratified the *Charter* yet (in contrast to the Council of Europe's *Framework Convention for the Protection of National Minorities*). Philip **Blair** explained that the *Charter* was originally tailored with Western European minority languages in mind,

> *The particular position of Russian in CIS countries and in the Baltic states makes the implementation of the Charter difficult*

as its main lines were drawn before 1989. Besides, most CIS countries are confronted with the overwhelmingly strong position of Russian, whereas the respective national languages often need more official support (especially Estonia and Latvia). The devastated state of the economy (Moldova), or complexity of the language situation (Russia) could also be among the reasons for non-ratification, although political considerations might play a role as well (e.g., in the case of Ukraine). However, it was important to press for ratification by these countries as the Parliamentary Assembly of the Council of Europe was doing. François **Vaillancourt** raised the issue whether the state Reports of the Committee of Experts should be available also in the minority languages. Vesna **Crni_-Groti_** and Philip **Blair** explained the reason for the monolingual publication, but stated that in the spirit of Art. 9 of the *Charter*, governments should show their good will by translating the Report.

In his presentation, Christian **Brandt**, Vice-President of the *European Bureau for Lesser Used Languages* (EBLUL), demonstrated the contribution of his organisation to the implementation of the *Charter*. He generally stressed the importance of having

> *Language is an issue of major political importance for the EU*

language issues on the political agenda of the European Union, noting that time was not on the side of most regional or minority languages, which are threatened by attrition. Christian **Brandt** pointed out the importance of a pragmatic approach, which

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[4] Art. 7, which makes up Part II of the *Charter*, applies to all regional or minority languages.
[5] Publication may not always meet appropriate standards of accessibility. For example, the Croatian report was published in English only, and the Finnish report, at first, only on the Internet.

includes the capacity of understanding the political agendas of the parties concerned and proposed to see the *Charter* not only as a legal instrument, but also as a strong, living tool.

6.2 Part Two: Education

Durk Gorter from the Fryske Akademy talked about the Dutch experience in implementing educational measures under the *Charter*. He first gave some basic information on Frisian, a Germanic language spoken by two thirds of the 600,000

There is a gap between goals and achievements in Frisian education, but a clear definition of goals is still missing

residents in the province of Fryslân (though 96% of the population claims to be able to understand the language, with only 17% being able to write it). There is a genuine Frisian identity rooted in a rich historical tradition. The Frisian language was banned from public life and education during all of the 19th century. Restrictions were only lifted in the course of the 20th century. After World War II, it was finally admitted as a language of instruction in primary education, but gained recognition as an official language only in 1970. The current situation of Frisian in the education system is still rather poor. Only 3% of primary school time is passed in Frisian, and mainly in expressive subjects. For secondary education, many schools have not even implemented provisions on Frisian. In principle, even for higher education, there is a possibility to take exams in the regional language too, but in general there is a major gap between objectives and achievements. Therefore, policies need to be more pro-active in order to fully implement provisions. As the official targets are just loosely fixed (children should reach a certain level of bilingualism—an objective that can not necessarily be reached with some 180 hours of Frisian over 8 years of schooling) and policy measures are only weakly implemented, *effectiveness* is rather low; the targets are also expressed in terms of "schools", rather than individual learners; there is no formal reflection on, or identification of formal "cause-and-effect" relationships. It is far from clear how to measure the costs of supporting Frisian; consequently, cost-effectiveness calculations may be difficult. At provincial level, some EUR 4.3m are reportedly spent on Frisian, in addition to some EUR 2.7m by the national government, but these figures include a broad range of expenditures that are only distantly related to language; this amounts to EUR 17.5 per Frisian-speaker and per year (as opposed to EUR 48 per speaker and per year in North Frisia or EUR 912 per speaker and per year reportedly spent for Sorbian (Germany)). Of the total spending on Frisian, some 90,000 Euro had been spent on Frisian schools and about 280,000 Euro on teaching material. Although public opinion in the Netherlands is generally in favour of language rights (as they are seen as useful in increasing interethnic harmony), there is a continued informal dislike or reluctance towards Frisian in the government.

In the general discussion, Christian **Brandt** emphasised the Frisian case to highlight the problems arising from the non-implementation of the goals stated in national constitutions or in the Charter; these problems are mainly due to political unwillingness to state any goals. Stefan **Oeter** asked about the reason why there is such a half-hearted implementation of rights in a province where the speakers of the minority language are actually in the majority. Durk **Gorter** suggested that it might be due to the fact that among the Frisian population, there is almost no perception that their language is endangered. Philip **Blair** expressed the opinion that the *Charter*

would force governments to consider how to reach the aims implied in the legal provisions. Tove **Skutnabb-Kangas** mentioned that the *Charter* provides new possibilities for minorities to mobilise for governmental support; drawing on Bourdieu's concepts of "habitus" and "field", she analysed the stigmatisation of Frisian in Dutch language politics and indicated some new remedies based on the *Charter*. Dónall **Ó Riagáin** and Durk **Gorter** went on to develop another problem: as governments generally have to take public opinion into consideration, the most important step is to convince the majority of the necessity and value of supporting minority languages. François **Grin** recalled that only a precise definition of aims could allow for the definition of policies with increased effectiveness, either in terms of individual language capacity (bilingual Frisians) or in terms of instruments (bilingual schools). There were diverging opinions on the question of whether a new European legal document should be drafted. Would it be better to raise the standards continuously or to insist on fulfilling the existing Charter?

> *The long-term survival of regional and minority languages requires the restoration of mechanisms for language transmission*

Analysing the most effective measures for preserving minority languages, Viv **Edwards**, from University of Reading, formulated the principle of full bilingualism and biliteracy as a clear and appropriate goal with respect to which effectivness could be assessed (although she pointed out that language dynamics are evolutive, and that goal-setting need not be formulated in terms of achieved results, but could also be expressed in terms of processes). However, she also stressed that anything short of full bilingualism, quite simply, would imply inevitable language decline and death in the long run. The knowledge and professional competence for language teaching towards full bilingualism exists, and this type of goal is reachable through small steps. Viv **Edwards** also underlined that minority representatives and other supporters of the Charter should capitalise on the fact that the general atmosphere towards minorities is more favourable nowadays than it ever was before. George **Schöpflin** emphasised the

> *Only multilingualism ensures the continuing diversity of world views*

relationship between linguistic diversity and *democracy*; this relationship is often conflicting because modern states, even if they strive to provide "good governance", are not "culturally innocent". On the one hand, multilingualism poses a big challenge to the formation of a collectivity ("demos"); on the other hand, monolingualism, apart from being contrary to diversity, may also be contrary to democracy, insofar as every language group has an inherent tendency to universalise its culturally specific world-view and pushes for the construction, in priority, of its own linguistic identity, often to the detriment of other groups. He also warned that a discussion on cost-effectiveness could be easily abused by populist discourse perceiving 'otherness' principally as a danger; he expressed the view that democracy was "inherently more costly than anything else", but a cost which is well worth paying. He therefore proposed to emphasise that minority language protection is a moral and democratic value, reminding the audience that (in the words of István Bibo), democracy is largely about the abolition of fear. François **Vaillancourt**

proposed a method for the quick estimation of the cost of achieving a goal such as creating the capacity, among the population, to actually use the language[6].

In the general discussion, in response to George **Schöpflin**'s remark that we should

> *Cost-effectiveness is a criterion for evaluating and comparing, but not for determining policies*

beware of making assumptions that could be hidden by instrumentality, François **Vaillancourt** and François **Grin** underlined the importance of cost-effectiveness not as the criterion that should determine a policy choice, but as a *method* for evaluating choices, since economics always, overtly or covertly, contributes to assessing policy choices. Kas **Deprez** stressed the importance of goal-setting and effectiveness evaluation for comparisons between cases. Tove **Skutnabb-Kangas** proposed to widen the notion of cost-effectiveness in order to include the costs of *not* granting rights to language minorities, and to take account of non-material costs, as for instance the lack of cultural diversity. Aodan **Mac Poilín** noted that savings could be achieved through policies that could serve as a form of conflict prevention. Dónall **Ó Riagáin** expressed support for the idea of cost-effectiveness in principle, but concluded with a warning that cost-*in*effectiveness should not provide a necessary argument *against* certain policy measures.

6.3 Part III: Public and Judicial Administration

In his paper on the Finnish experience regarding measures in the field of public and judicial administration, **Kjell Herberts** (Åbo Akademi), first underlined the official language status of Swedish—hence, constitutionally not a "minority language"[7].

> *Finland has developed diversified approaches to linguistic diversity*

Nevertheless, there is a sharp rise of bilingual families on the Finnish mainland which, according to him, threatens Swedish in the long run. Stressing the example of the Åland-Islands, he explained the application of the principle of territoriality in Finland which may result in strong signals of autonomy (even including symbols such as flags, stamps and others; autonomy is so well established that Finnish must be considered a minority language in the Åland islands). Even though there exists a general right for citizens to use their mother tongue with the authorities, however, this is not possible everywhere in practice.

The case of the Sámi is a much more difficult one, as the number of the 6,000 ethnic Sámi who know their language (in one of its three variants) is already down to about 1,700; the very definition of a Sámi is problematic. Hence, legislative measures have

> *The Sámi should be seen as a full-fledged nation within Scandinavia*

come almost too late. Rather than a "minority", the entire Sámi population must be seen as a "nation" within the Nordic countries, and should receive

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[6] The figures required for a preliminary estimation include: (a) the percentage of the population which is expected to reach the necessary level of competence (supposedly quite high, if it is to imply full bilingualism); (b) the percentage of the time during which these residents are expected (as a result of the policy) to actually use the language; (c) figures on spending on language instruction.

[7] The threshold for a municipality to be considered bilingual, originally set at 12%, was later reduced to 8%, or a minimum of 3,000 minority-language residents.

generous support as an indigenous people. Concerning the Charter for Regional or Minority languages, Kjell **Herberts** explained that ratification changed little in practice and largely amounted to a change in vocabulary describing the existing Finnish legislation. Swedish was declared a "less widely used official language" and Sámi a "regional or minority language". He then criticised the general absence of real language planning in Finland, and stressed the continuing discrepancy between the demands of minority speakers and the response of the authorities (in terms of "visible supply"). Finally he proposed some measures to provide adequate supply to all of the language services required, reaching from bilingual administration units in cities to full translation for rural (particularly rural Sámi) areas.

In the following discussion, François **Vaillancourt** asked for more detailed numbers and costs[8], but Kjell **Herberts** admitted that no precise numbers were available, since costs are not discussed in public (apart from the problem how to define *costs*). However, he could assure Tove **Skutnabb-Kangas** that sign language enjoys official acceptance in the new constitution. George **Schöpflin** raised the question of the status of immigrant languages. Kjell **Herberts** responded that by law, in principle, every group (Swedes, Sámi, Roma and immigrants) has the right to preserve and develop its own language and culture. Nevertheless, only three goals are mentioned in the Constitution: "the preservation of Swedish", "the preservation of Sámi" and "inter-group harmony", even though no definite paths are laid out for the achievement of these aims.

> *In most of Belgium, the Charter could make the language situation even more complicated*

Analysing the issue of public and judicial administration in the perspective of the effectiveness of measures adopted in this area, Kas **Deprez** (University of Leuven) developed a comparison with the Belgian case. He indicated that in Belgium, there is no real interest in signing the Charter, since it would further complicate what is already a highly complex situation. Only the francophones living in Flemish territory (approx. 100,000 people) have a clear interest in the signing of the Charter. He mentioned the distrust towards minority languages, which is generally inherent to the nation building process. Furthermore, he explained how Flanders regained its sense of linguistic self-worth, first by achieving more economic clout, but also through stepped-up democratisation in Belgium, which gave more leeway to the Flemish community as the linguistic majority. Kas **Deprez** also noted that the effectiveness of measures that could be adopted in application of the Charter could be hampered because the development of language-related technologies, as well as the notion of community vitality, were insufficiently taken into account. Furthermore, the Charter seems to imply exaggerated concessions by the minorities, which is contrary to their aspiration to dignity. Ultimately, effectiveness is vested in the actors, rather than in the policies themselves; as such, good policy measures may constitute *necessary*, but not *sufficient* conditions of success.

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[8] In the field of public and judicial administration, relevant figures to obtain in the Finnish case include : the number of court cases handled in Swedish every year at various levels of the judicial system ; the number of hours paid to translators and interpreters in relation to those court cases ; the number of pages of legislation that need translation into Swedish and Sámi ; the average per-page cost of legal translations.

Returning to the issue of *cost-effectiveness*, François **Vaillancourt** asked about the costs for bilingual staff (such as higher wages for bilingual judges in Canada[9]), interpreters and translation of legislative texts. Developing an example using plausible working hypotheses (in the absence of hard data, as noted by Kjell **Herberts**), he provided a rough estimate of approximately 2 EUROS per Swede and per year, in Finland, of running a bilingual judiciary. He proposed to enlarge opportunities of self-funding for minorities instead of simply increasing transfer payments.

> *Bilingual judiciary in Finland: only 2 Euros per Swede and per year?*

George Schöpflin addressed the question of the impact of globalisation on minority issues. Since globalisation is eroding the universalistic self-confidence of nation states, while the importance of feelings of ethnic identity is on the rise, a double problem arises for minority language communities. Their claims generate fears among majorities, but they can only be met with resources which, owing to globalisation, are more difficult to allocate to this purpose (this problem is particularly acute for diasporas). Ultimately, only high quality minority education (counterbalancing their structurally disadvantaged position) can provide the bedrock of a democratic approach to the sustainability of minority groups.

> *Globalisation carries major threats to diversity and undermines the allocation of resources to its preservation*

In the general discussion, François **Grin** observed that the Charter, or the policy measures adopted to comply with it, could not substitute themselves to the actors, since members of minority language communities need to express the desire to use their language and mobilise themselves to this end. Alastair **Macphail** reported that the costs of multilingualism amount to 1% of the total budget of the EU, and up to 15% of the operative expenses of the European Commission. Mart **Rannut** pointed out that the development of information technologies, because of their cost, was unlikely to take place in small languages and that not too much store should be set by IT development. Philip **Blair** criticised the idea of self-funding, because it is essentially federal states that provide the conditions for such an approach, and this structure does not occur in each of the member countries of the Council of Europe. Furthermore, the notion of self-funding is contrary to the spirit of the Charter, which obliges the State to provide certain services such as education. He then focused on the difference between language protection (for example in Belgium) and protection of citizens' linguistic rights (for example in Finland). Tove **Skutnabb-Kangas** proposed a reversal of the approach to the issue of costs of a bilingual system by pointing out that monolinguals can be seen as causing the costs, because of their inability to use other languages. Kjell **Herberts** supported this view by stating that there are no minority but only majority problems. François **Vaillancourt** noted that the questions addressed to the conference were, nonetheless, about the costs of providing services in regional or minority

> *Who really causes costs? Multilinguals from the minority, or monolinguals from the majority?*

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[9] The premium for bilingual civil servants in the Canadian federal administration is of the order of CSD 800 per year (USD 530) ; modest as it is, the existence of this premium generates widespread discontent, because it is considered too low by those who earn it, and too high by those who do not.

languages in essentially monolingual state systems, and that even in centralised states, taxation on a regional basis (possibly under a form of regional autonomy in public finance) was possible. In response to the figures quoted by Alastair **Macphail**, he observed that a total expenditure of EUR 1.5bn per year, divided by a population of some 400 million residents in member states of the EU, amounted to EUR 3.75 per person and per year, which need not necessarily be seen as an unacceptably high expense. Finally, in response to a comment by Gösta **Toft**, he pointed out that the *costs* of provisions in favour of minority languages did not logically imply a lower *cost-effectiveness*, depending on the goals assigned.

6.4 Part IV: Culture and Media

Judit **Solymosi**, Head of Department of International Relations at the Office for

> *There are 13 recognised ethnic minorities with 233,000 people in Hungary*

National and Ethnic Minorities in Budapest, gave her paper on the Hungarian experience in implementing measures in the field of culture and media, mainly following the ratification of the Charter by Hungary in 1995. First, she gave an overview on the 13 recognised ethnic minorities[10], numbering together almost 233,000 people, of whom 137,000 declared to use a minority language (1990 census). For the last ten years Hungary has been developing legislation and policies for minorities, aiming at ensuring their collective participation in public life and allowing for self-government in the spheres of culture and education. To develop the legal background, a Parliamentary Committee on Human Rights, Minority and Religious Affairs was set up. Cultural institutions such as libraries, theatres and museums are mainly funded from the state budget (primarily through the Ministry of Cultural Heritage), because of the poor municipal financial situation. Regarding the availability of minority media, the state ensures at least one press medium for each minority language[11]. Especially concerning radio and television, Hungary tries to facilitate the reception of broadcasts from the mother countries.

Judit **Solymosi** regretted not being able to provide integrated statistics on costs, and

> *Data for the costing of measures are rare*

hence on the cost-effectiveness of these measures, as studies dealing with outcomes are very rare. However, some data on expenditure are available; handling of those figures is made difficult by the fact that they fall under the purview of different ministries. In 1999, the following figures were available.

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[10] The communities concerned are : Roma, German, Slovak, Croatian, Romanian, Serbian, Slovene, Armenian, Greek, Bulgarian, Polish, Ruthenian, and Ukrainian (in addition to some 19,000 members of other, smaller communities, and 674 persons who indicated that their mother tongue was Ukrainian or Ruthenian).

[11] As regards minority programmes on Hungarian radio, figures for 2000 range from a weekly average of 30 minutes (Bulgarian, Greek, Polish, Ruthenian, Armenian and Ukrainian) to 60 minutes (Slovene), 180 minutes (Roma), 630 minutes (Serbian), 840 minutes (Croatian, German, Romanian) and 870 minutes (Slovak).

Table 1:

BUDGET ITEMS DIRECTLY CONNECTED TO NATIONAL AND ETHNIC MINORITY SUPPORT
1999, US DOLLARS (THOUSANDS)[12]

ITEM / GOVERNMENT SECTOR	AMOUNT (USDx1000)
Support to national minority self-governments	1,777
Support to local national minority self-governments (Ministry of the Interior)	2,562
Support to civil society organisations (Parliamentary Commission)	308
Public Foundation for Minorities	1,808
Public Foundation for the Roma	983
"Co-ordination fund for intervention in crisis situations"	155
Cultural activities (Ministry of cultural heritage)	351
Minority education (Ministry of Education)	878
National Committee of Minorities (Ministry of Education and Culture)	28
Gandhi Public Foundation	737
Minority theatres	158
Supplementary support to minority education	17,343
TOTAL	27,088

> *Despite active policies for minorities in Hungary, sociolinguistic assimilation into the majority continues*

Effectiveness may be limited, given ongoing linguistic assimilation, mostly among the younger generation, who see no need in using their original mother tongue. It is only in concentration areas that the minority language is passed on to the next generation. Another problem in maintaining linguistic heritage is the shift from dialect to the written standard, which, on the one hand, provides tighter connections to the linguistic "fatherland", but on the other hand alienates the young from their local background. The mother tongue becomes a "grandmother tongue". Minority languages in border regions or with a strong linguistic hinterland have a higher chance to survive, as the knowledge of these languages has more practical value.

> *TV in minority languages can be a mixed blessing and needs accompanying measures*

Mikael **Baudu**'s comments on of the effectiveness of measures in the field of culture and media questioned the actual meaning of "minority television", because he considered television in general as a possible threat to the maintenance of minority language, since even if minority-language media enhance the status of regional or minority languages, they may fail to foster minority language competence.

> *Evaluating per-capita costs provides a first approach to cost-effectiveness*

François **Vaillancourt** pointed out that if figures on spending could be checked, their sum could be divided by the number of members of minority communities, to provide a first basis for comparison

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[12] Source: figures provided by J. Solymosi

in the form of per-capita spending. Although this falls short of an evaluation of cost-effectiveness, it makes it possible to compare the per-capita cost of minority policies with the per-capita cost of policies in other areas of state intervention[13].

Tove **Skutnabb-Kangas** reflected on the framework for evaluating the democratic character of measures, first distinguishing, following Johann Galtung, between "negative" and "positive" peace. Whereas "negative" peace is characterised by an internalisation of externalities[14], "positive" peace would require a global sharing of externalities. Secondly, she elaborated an analysis of power which differentiates between three ideal-typical forms of power, characterised by specific means, processes and sanctions: punitive, remunerative and ideological power. To evaluate the democratic dimension of the Charter, Tove **Skutnabb-Kangas** made a distinction between *defensive negative democracy* (which should guarantee the equality of prerequisites or opportunities) and *pro-active positive democracy* (which is orientated toward an equality of outcomes).

In the general discussion, Judit **Solymosi** underlined that democracy is more important than cost-effectiveness. François **Grin** noted that to the extent that diversity is recognised as a value per se (also because it generates positive effects, normally

> *Bottom-up democracy would increase majority support for minorities*

referred to as "positive externalities", from which society as a whole can benefit), cost-effectiveness did not require that the costs associated with maintaining and promoting diversity be borne by the minority communities alone, but that some degree of cost-sharing over society as a whole was a cost-effective solution. He further expressed the hope that a new understanding of "bottom-up democracy" would reconcile minority rights struggle and majority endorsement of minority rights.

6.5 Part V: Towards good Practice Guidelines

Presenting the *Draft Recommendations* for the consideration of participants, François **Grin** and Dónall **Ó Riagáin**, Special Advisor of EBLUL, emphasised the spirit of diversity guiding these recommendations. Both explained that language rights were, in this document, taken as granted as a starting point, and stressed that they now needed to be translated into practical policy measures. Following a proposal by Tove **Skutnabb-Kangas**, Dónall **Ó Riagáin** proposed to add an article referring to sign languages.

In the general debate that followed on the successive articles of these Recommendations, several proposals were put forward, debated and finally adopted. The text that follows contains the revised and final version of the Recommendations. Finally, the ECMI was asked to set up a mechanism of distribution to ensure that these recommendations will be widely disseminated.

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[13] Using the preceding figures, the per-capita cost of minority policies (where the individuals counted are the members of minority communities only) amounts to USD 109 per person and per year.

[14] Meaning, in this context, that the cost of minority policies ought to be borne, as much as possible, by the minorities themselves.

7. The "Flensburg Recommendations"

The text below reproduces the Recommendations *adopted in the closing session of the conference, including modifications suggested by the participants.*

EXPLANATORY NOTE

With support from the European Commission, and in close co-operation with the Council of Europe and the European Bureau for Lesser Used Languages, the *European Centre for Minority Issues* (ECMI) organised, on 23 and 24 June 2000, an international conference on "Evaluating policy measures for minority languages in Europe: Towards effective, cost-effective and democratic implementation". Participants included noted scholars in minority issues, representatives from major international organisations, non-governmental organisations, and member countries of the Council of Europe. The conference is an important element in a larger project on the analysis of policies adopted in favour of minority languages, particularly, but not exclusively, in the context of the *European Charter for Regional or Minority Languages*.

The European Charter for Regional or Minority Languages is a novel instrument in international law, in that its focus is not on the rights of minorities, but on languages themselves—although languages are, of course, used by individuals who belong to groups defined, among other possible criteria, by language. Hence, in the conference convened by the ECMI, legal standards were taken as given, with debates emphasising instead issues of implementation.

Owing to the extreme degree of variability of situations between different regional or minority languages (and between the states in which these regional or minority languages are traditionally used), the purpose of the conference was not to make general recommendations regarding the set of specific measures that should be adopted in order to protect or revitalise these languages—this diversity of situations also explains the structure of the Charter itself, which gives states a wide range of options to choose from. Accordingly, the conference focused not on the specific measures that should adopted by states (whether such measures are adopted explicitly in order to comply with Charter obligations or not), but on *how* authorities at various levels choose policy measures in favour of regional or minority languages, because some very practical issues of decision-making arise in all cases. More precisely, emphasis was placed on how can states meet *principles* of good public policy, in particular: (i) aiming at *effective* policies; (ii) aiming at *cost-effective* policies; (iii) aiming at democratic policies.

The concepts of effectiveness and cost-effectiveness, as well as the characteristics of genuinely democratic policies in the context of language policy implementation, were discussed at length during the conference, generating consensus around the view that effectiveness, cost-effectiveness and democracy are among the core principles of "good practice".

The following *Recommendations*, reflecting the results of discussions during the conference, are intended as a means to draw attention to relevant principles in the

selection, design, implementation and evaluation of policies in favour of regional or minority languages, as well as an instrument assisting authorities in implementing the *Charter*, with a view to helping states that have not yet ratified (or signed) the *Charter* to assess the practical implications of doing so, and to offering assistance to other organisations, particularly NGOs, involved in minority language policies.

The following recommendations will be forwarded to:

- the members of the Committee of Ministers and members of the Parliamentary Assembly of the Council of Europe
- the Secretary General of the Council of Europe
- the European Commission and members of the European Parliament
- the participating States of the OSCE and members of the Parliamentary Assembly of the OSCE
- the OSCE High Commissioner on National Minorities
- language planning bodies and language boards in charge of promoting regional or minority languages in Europe
- non-governmental organisations whose activity addresses minority issues, in particular minority languages
- other relevant minority organisations

RECOMMENDATIONS

Preamble

With the active help of the participants at the International Conference on *Evaluating Policy Measures for Minority Languages in Europe: Towards Effective, Cost-Effective and Democratic Implementation*, convened on 23 to 24 June by the *European Centre for Minority Issues* (ECMI) in Flensburg, Germany, the ECMI has formulated the following Recommendations.

These Recommendations are based on the firm conviction:

(a) that regional or minority languages constitute a crucial element of Europe's linguistic and cultural heritage;

(b) that linguistic and cultural diversity is a valuable resource contributing to the overall quality of life of all residents in Europe, and must therefore be recognised as a contribution to general welfare;

(c) that the maintenance and revitalisation of regional or minority languages, allowing for their vitality in the long term, represents a core element of the identity of individual speakers of these languages, and as such represents a relevant policy goal in a human rights perspective;

(d) that the maintenance and revitalisation of regional or minority languages requires committed and tangible support from states and international organisations;

(e) that the maintenance and revitalisation of regional or minority languages is an issue taking on increasing saliency, as evidenced among others by the declaration of

2001 as the *European Year of Languages*, both by the Council of Europe and the European Union.

Participants at the Conference further note that there is a need, beyond the political dimensions and legal issues involved, for developing analytical and technical guidelines for the selection, design, implementation and evaluation of policy measures. While these guidelines must take account of the considerable diversity of cases and conditions, it is possible to formulate general principles of good governance towards the management of linguistic diversity, with particular regard for regional or minority languages. These Recommendations therefore aim at contributing to the necessary bridge-building between analytical principles of good policy and practical modalities for the selection, design, implementation and evaluation of policies.

Participants at the Conference share the view that the resulting guidelines can be useful for states considering, planning or evaluating policy measures for regional or minority languages. Furthermore, such guidelines can also be useful for the communities using the regional or minority languages concerned, as well as for the civil society organisations also concerned with the preservation and promotion of linguistic diversity in Europe.

These ECMI Recommendations are formulated with particular reference to the implementation of the *European Charter for Regional or Minority Languages* of the Council of Europe opened for signature on 5 November 1992. States are therefore urged to accede to the *Charter* as soon as possible while ensuring that accession is rapidly followed by the adoption of policies reflecting the guidelines in these Recommendations, in compliance with the spirit and letter of the *Charter*.

It is the belief of the participants that the principles for the selection, design, implementation and evaluation of policy measures outlined in the present Recommendations can also be relevant in a broader range of policy contexts. The Participants at the Conference therefore underline the significance of:

(a) the *Framework Convention for the Protection of National Minorities;*
(b) the *Oslo Recommendations Regarding the Linguistic Rights of National Minorities*;
(c) the *Hague Recommendations Regarding the Education Rights of National Minorities*;
(d) the *Lund Recommendations on the Effective Participation of National Minorities in Public Life*;
(e) the relevant resolutions of the European Parliament;
(f) the relevant recommendations of the Parliamentary Assembly of the Council of Europe

In order to meet the obligations to which they subscribe by acceding to the *Charter*, states are urged to take into consideration the following guidelines.

I. Recognising the role and importance of minority language policy[15]

1. MINORITY LANGUAGES AND LINGUISTIC AND CULTURAL DIVERSITY: In addition to their relevance in the definition of human rights and minority rights standards, regional or minority languages should be explicitly recognised as essential elements of linguistic and cultural diversity as well as an important aspect of the identity of users of the regional or minority languages.

2. IMPORTANCE OF MINORITY LANGUAGE POLICY: In line with the standards developed in international instruments as mentioned in the *Preamble*, and taking account of the intrinsic value of linguistic and cultural diversity, governments should recognise the selection, design, implementation and evaluation of policies in favour of regional or minority languages as necessary tasks making a crucially important contribution to the good governance of modern societies.

II. Identification of and agreement on clear aims and principles

3. CLARITY OF AIMS: The successful implementation of minority language policies requires their aims to be clearly identified, defining in particular the criteria to be used to assess the attainment of policy goals by a particular set of measures.

4. CLARITY OF PRINCIPLES: Realising these aims requires good policy principles for the selection, design, implementation and evaluation of the corresponding policies, as described in particular in the following paragraphs of these Recommendations.

III. Recognising and applying good policy principles

5. PRINCIPLES OF GOOD POLICY AND THEIR ADAPTATION: "Good policy" is to be understood as an approach to public policy stressing in particular, though not exclusively, the effectiveness, the cost-effectiveness and the democratic nature of policies.

6. EFFECTIVENESS: Policies selected should be demonstrably effective, promising to result in a significant improvement in the position, status, use (or other relevant criterion) of the regional or minority language(s) being promoted.

7. ANALYSING AND SPELLING OUT EFFECTIVENESS: Effective policies require proper identification of the aims pursued, of the resources used, and of the processes through which policies can realise these aims. This requires in particular the proper identification of the needs and demands of the regional or minority languages for which policies are intended, and the supply, by the state or its surrogates, of appropriately defined facilities for minority language learning and use.

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[15] Throughout the four Sections of these Recommendations, the expression "minority language(s)" refers to "regional or minority language(s)" in the sense of the *European Charter for Regional or Minority Languages*. The same applies to the expression "minority language policy/policies".

8.   RECOGNISING URGENCY: The issue of the effectiveness of policies must be given particularly sustained attention in the case of particularly threatened languages, with a view to restoring, wherever possible, the conditions for the natural maintenance and development of all regional or minority languages.

9.   COST-EFFECTIVENESS: Policies should be demonstrably cost-effective. The principle of cost-effectiveness, which is only a means to an end, is entirely compatible with adequate provisions for regional or minority languages, and requires a well-managed use of resources towards achieving desirable results. Cost-effectiveness favours the transparent use of resources allocated to minority language policy and demonstrates the authorities' commitment to good policies; it is therefore a key factor for the acceptability, among majority opinion, of minority language policies. Demonstrated cost-effectiveness should be seen as an opportunity for increasing the aggregate volume of resources made available to minority language promotion.

10.   DEMOCRATIC PROCESSES: Policy measures must be adopted through a demonstrably democratic policy process. Throughout the policy process, it is necessary to ensure broad consultation and participation, including through non-formal channels complementing the normal institutions of democratic states. Civil society organisations, including in particular non-governmental organisations, as well as the general public should therefore be encouraged to play an active role at all stages of this process, ensuring that the dynamic evolution of social and economic needs over time is duly taken into account.

11.   AVAILABLE EXPERIENCE: Throughout the policy process in any given context, it is important to learn from the experience in good practices and from the successes already achieved in other contexts through appropriate measures in favour of regional or minority languages.

IV. Establishing the necessary structures

12.   ANALYSIS AND RESEARCH: In order to develop States' capacity to adopt appropriate policy measures in favour of minority languages, particularly in the context of the *European Charter for Regional or Minority Languages*, it is important for the authorities to provide facilities and support, including through applied academic research, for the study of the corresponding policies.

13.   SHARING, EXCHANGING AND DISSEMINATING INFORMATION: Civil servants and other social actors involved in the selection, design, implementation and evaluation of minority language policies can gather considerable and valuable information and experience in the course of their activities. It is essential for this information and experience to be regularly exchanged and disseminated through widely accessible publications, meetings, etc. In particular, the attention of public opinion must be drawn to success already achieved in the revitalisation of regional or minority languages.

14.   EXPERT ADVICE: The Council of Europe, possibly with participation of the *European Bureau for Lesser Used Languages* (EBLUL), the OSCE, UNESCO, and other relevant organisations and research institutions, should establish a

panel of independent experts whose services would be available to help governments and communities in the selection, design, implementation and evaluation of regional or minority language policies.

15. INDEPENDENT EVALUATION AND MONITORING: All policies should be evaluated at appropriate intervals, and their implementation and effects monitored by independent experts. As a general rule, these independent evaluations should be made widely accessible to the public and the media.

16. DEMOCRATIC DEBATE: States should establish the institutions and structures, for example in the form of regularly held *Estates General* of minority language policy, which will provide the necessary fora for such discussion. These fora must be open and accessible to individuals and organisations, including those emanating from the minority language communities concerned, and place particular emphasis on ensuring that relatively powerless individuals and groups have unrestricted access to these fora.

17. INTEGRATION IN ACTUAL POLICIES: Authorities, with the support of international organisations, in particular the Council of Europe, should ensure that the inputs from academic research, expert panels, independent evaluators, as well as from open democratic debate on successive stages of the policy process, are efficiently integrated into the actual selection, design, implementation and evaluation of policy measures.

V. Further recommendations

18. SIGN LANGUAGES: Due recognition should also be given to Sign Languages. The Council of Europe and other international organisations should consider the desirability and feasibility of preparing a legal instrument to safeguard these languages and the rights of their users. Likewise, the European Commission is requested to sympathetically consider the inclusion of actions to support Sign Languages in their language programmes.

8. Evaluation and perspectives

8.1 Main results

The conference offered an opportunity to discuss policies in favour of minority languages and to examine at closer range numerous practical problems of implementation. Once the legal context is provided—in particular by the *European Charter for Regional or Minority Languages*—the emphasis can move from the legal and political dimensions to the policy questions through which legal standards are given material reality.

However, given the extreme diversity of minority language situations in Europe, the conference did not focus on the specific measures adopted, but on the *principles* according to which policy measures can be selected, designed, implemented and evaluated.

Three principles were presented to conference participants as generally relevant: "effectiveness", meaning that policy measures should have a demonstrable effect; "cost-effectiveness", meaning that a particular result should be reached at least cost, or that given a certain use of resources, the best possible result ought to be achieved; and "democracy", meaning that in order to avoid a purely technical, or even technocratic approach to minority language policies, appropriate provision should be made to ensure the full participation of the people in the elaboration of policies.

These principles were intensively discussed during the conference, in relation with existing experience in the implementation of measures adopted under the Charter. In order to give a clear substance to the issues at stake, "effectiveness", "cost-effectiveness" and "democracy" were examined in the following specific cases: measures in the field of education in the Netherlands; measures in the field of public and judicial administration in Finland; measures in the field of culture and the media in Hungary. Each case was then evaluated by analysts emphasising, in turn, each of the three principles.

> *The conference provided a novel perspective on policy measures in education, public and judicial administration, and culture and media*

Participants generally subscribed to this approach to language policies, and agreed that "effectiveness", "cost-effectiveness" and "democracy" should be seen as relevant principles of policy evaluation for minority language; this agreement around the notion that they constitute elements of "good policies" of practical value, also for the implementation of the Charter, is reflected in the *Recommendations* adopted at the end of the conference, and in the fact that the wide dissemination of these recommendations was requested.

One significant outcome of the conference is the fact that these notions were presented and debated, thereby contributing to the development of a shared set of evaluation concepts. In addition, a number of important points were made with respect to the intrinsic meaning or the political role of the three principles; these points are recalled in the following section.

8.2 Problems

The debates brought to light a number of difficult questions which deserve sustained attention.

> *Minority policies are usually developed with insufficient methodological tools*

One first problem was that even if the three organising principles that structured the work of the conference are considered relevant and conceptually straightforward, they have usually not been applied to most minority language policies so far—neither has, for that matter, any alternative set of principles. The speakers themselves – although they had received ahead of time a set of twelve precise questions (see Chapter 3) about the principles according to which the policies they were reporting on had been selected, designed and implemented (or evaluated *ex post*) – noted that the absence of a structured approach to policy made it difficult for them to collect, organise and present information in those terms.

Policies often seem to be elaborated in a somewhat haphazard way. Once the *standards* are agreed on, it appears that in many cases, little attention is devoted to rigorous policy development. In other words, there is very little know-how in the elaboration of language policies, and this raises the question of capacity-building. Training in applied policy development needs to be made available, and background research needs to be supported in order to propose quality training suited to the needs of users.

Second, there is a considerable dearth of hard data for evaluating the effectiveness, cost-effectiveness and the more or less democratic character of the measures adopted. In order to circumvent this problem, it is necessary to spell out very clearly the framework within which data collection and data processing can be organised.

The type of criteria according to which a policy will be considered "effective" or not must be spelled out; this requires clear goal-setting. One of the important points made during the conference is that if stakeholders are genuinely committed to the maintenance of linguistic diversity in Europe, the *general* goal of policies should be to create or re-create the conditions for full bilingualism and biliteracy among users and potential users of regional or minority languages; for the most part, they know the majority language anyway. Consequently, the specific objectives to be set should also be conducive to this overarching goal, which is technically feasible.

At the same time, effectiveness cannot be a function of "good policies" alone. A good policy can work if and only if the most directly interested stakeholders, that is, the users of regional or minority languages themselves, are actively involved in the revitalisation or maintenance of their language. This raises, on the one hand, the question of the "democracy" of policies. On the other hand, it raises the question of the relationship between the "supply of policies" and the "demand for policies" by the public. The presence of "supply" and "demand" both constitute necessary conditions for success; neither is sufficient on its own. Current research indicates that policies can be categorised as "supply-increasing" or "demand-increasing", and that in many cases, both may be needed in order to recreate a "self-priming mechanism of language reproduction", in the words of the sociolinguist Joshua Fishman.

> *Successful policies require taking account of both "supply" and "demand"*

The collection of the data required in order to evaluate the effectiveness of measures must therefore be based on a strong analytical framework. On the basis of such a framework, a reasoned list of data can be drawn up to assist decision-makers in language policy offices, international organisations, non-governmental organisations, and other stakeholders concerned with the maintenance of linguistic diversity.

The cost-effectiveness of policies can be evaluated only after appropriate information about the effectiveness of policies has been collected and processed. This information can then be combined with data on the expenditure for these policies. Although cost-effectiveness was generally recognised as an incontrovertible dimension of the problem (if only for strategic reasons), participants agreed that it must be clearly

> *Cost-effectiveness is a method, not a norm for dictating policy choices*

understood as a criterion that does not require or imply "low" or "inadequate" spending on minority language policies. This must be explained widely among the public, in order for actors to understand that it cannot, whether logically or politically, constitute an excuse for *not* engaging in minority language policies.

Democracy was recognised as the foremost condition of good policy. At the same time, to the extent that democracy enhances transparency, it is expected to encourage effectiveness and cost-effectiveness as well. Democracy, however, also includes a redistributive dimension, and should aim at re-creating equality of opportunities (between majorities and minorities) or even equality of welfare. In either interpretation, democracy implies the promotion of minority languages.

8.3 Follow-up

As noted in Chapter 2, the conference is but one element in a broader research project.

> *A Handbook on the implementation of the Charter in 2001*

The project will result in a *Handbook* on the implementation of minority language policies, with particular reference to the Charter. The Handbook will seek to be a useful tool for effective, cost-effective and democratic policy elaboration, offering guidance in problem identification and formulation, data collection and processing, and methodology for policy selection, design, implementation and evaluation.

Many of the analytical tools that can be brought to bear on language policies are in need of further development. Hence, the questions raised during the conference (which, to our knowledge, was the first ever to address language policy issues in this way) must be seen in a longer-term perspective. It is hoped that the information and ideas shared on this occasion will stimulate the continuous improvement of approaches towards effective, cost-effective and democratic policies for the preservation of Europe's linguistic and cultural diversity.

APPENDIX

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European Charter for Regional or Minority Languages

Strasbourg, 5.XI.1992

Preamble

The member States of the Council of Europe signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, particularly for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions;

Considering that the right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights, and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the work carried out within the CSCE and in particular to the Helsinki Final Act of 1975 and the document of the Copenhagen Meeting of 1990;

Stressing the value of interculturalism and multilingualism and considering that the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them;

Realising that the protection and promotion of regional or minority languages in the different countries and regions of Europe represent an important contribution to the building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity;

Taking into consideration the specific conditions and historical traditions in the different regions of the European States,

Have agreed as follows:

Part I - General provisions

Article 1 - Definitions

For the purposes of this Charter:

    a.   "regional or minority languages" means languages that are:

        i   traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and

        ii   different from the official language(s) of that State;

        It does not include either dialects of the official language(s) of the State or the languages of migrants;

b. "territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;

c. "non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Article 2 – Undertakings

1. Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.

2. In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 - Practical arrangements

1. Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.

2. Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.

3. The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Article 4 - Existing regimes of protection

1. Nothing in this Charter shall be construed as limiting or derogating from any of the rights guaranteed by the European Convention on Human Rights.

2. The provisions of this Charter shall not affect any more favourable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant bilateral or multilateral international agreements.

Article 5 - Existing obligations

Nothing in this Charter may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes of the Charter of the United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of States.

Article 6 – Information

The Parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by this Charter.

Part II - Objectives and principles pursued in accordance with Article 2, paragraph 1

Article 7 - Objectives and principles

1. In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:
    a. the recognition of the regional or minority languages as an expression of cultural wealth;
    b. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;
    c. the need for resolute action to promote regional or minority languages in order to safeguard them;
    d. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;
    e. the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
    f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
    g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
    h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;
    i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.
2. The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.
3. The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.
4. In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

5.   The Parties undertake to apply, **mutatis mutandis**, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

Part III - Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2

Article 8 – Education

1.   With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

    a.   i   to make available pre-school education in the relevant regional or minority languages; or

        ii   to make available a substantial part of pre-school education in the relevant regional or minority languages; or

        iii   to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or

        iv   if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;

    b.   i   to make available primary education in the relevant regional or minority languages; or

        ii   to make available a substantial part of primary education in the relevant regional or minority languages; or

        iii   to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

        iv   to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;

    c.   i   to make available secondary education in the relevant regional or minority languages; or

        ii   to make available a substantial part of secondary education in the relevant regional or minority languages; or

        iii   to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

        iv   to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

    d.   i   to make available technical and vocational education in the relevant regional or minority languages; or

        ii   to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

        iii   to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

        iv   to apply one of the measures provided for under i to iii above at least to those

pupils who, or where appropriate whose families, so wish in a number considered sufficient;

e. i to make available university and other higher education in regional or minority languages; or

ii to provide facilities for the study of these languages as university and higher education subjects; or

iii if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;

f. i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or

ii to offer such languages as subjects of adult and continuing education; or

iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

i. to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

2. With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

Article 9 - Judicial authorities

1. The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a. in criminal proceedings:

i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

ii to guarantee the accused the right to use his/her regional or minority language; and/or

iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

b. in civil proceedings:

i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

ii to allow, whenever a litigant has to appear in person before a court, that he or

she may use his or her regional or minority language without thereby incurring additional expense; and/or

    iii   to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

  c.   in proceedings before courts concerning administrative matters:

    i   to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

    ii   to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

    iii   to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

  d.   to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

2.   The Parties undertake:

  a.   not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

  b.   not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or

  c.   not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.

3.   The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

Article 10 - Administrative authorities and public services

1.   Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

  a.   i   to ensure that the administrative authorities use the regional or minority languages; or

    ii   to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or

    iii   to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or

    iv   to ensure that users of regional or minority languages may submit oral or written applications in these languages; or

    v   to ensure that users of regional or minority languages may validly submit a document in these languages;

  b.   to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;

  c.   to allow the administrative authorities to draft documents in a regional or minority language.

2. In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

    a. the use of regional or minority languages within the framework of the regional or local authority;

    b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;

    c. the publication by regional authorities of their official documents also in the relevant regional or minority languages;

    d. the publication by local authorities of their official documents also in the relevant regional or minority languages;

    e. the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

    f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;

    g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.

3. With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:

    a. to ensure that the regional or minority languages are used in the provision of the service; or

    b. to allow users of regional or minority languages to submit a request and receive a reply in these languages; or

    c. to allow users of regional or minority languages to submit a request in these languages.

4. With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

    a. translation or interpretation as may be required;

    b. recruitment and, where necessary, training of the officials and other public service employees required;

    c. compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

5. The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

Article 11 - Media

1. The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

    a. to the extent that radio and television carry out a public service mission:

        i to ensure the creation of at least one radio station and one television channel in the regional or minority languages; or

        ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages; or

        iii to make adequate provision so that broadcasters offer programmes in the

regional or minority languages;

    b.   i   to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or

           ii   to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

    c.   i   to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or

           ii   to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

    d.   to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;

    e.   i   to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

           ii   to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;

    f.   i   to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or

           ii   to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;

    g.   to support the training of journalists and other staff for media using regional or minority languages.

2. The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

3. The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

Article 12 - Cultural activities and facilities

1. With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including **inter alia** the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

    a.   to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

b.   to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

c.   to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;

d.   to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

e.   to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

f.   to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

g.   to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;

h.   if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.

2.   In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

3.   The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

Article 13 - Economic and social life

1.   With regard to economic and social activities, the Parties undertake, within the whole country:

a.   to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;

b.   to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;

c.   to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;

d.   to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

2.   With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:

a.   to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;

b.   in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;

c.   to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;

d.   to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;

e.   to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.

Article 14 - Transfrontier exchanges

The Parties undertake:

a.   to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;

b.   for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

Part IV - Application of the Charter

Article 15 - Periodical reports

1.   The Parties shall present periodically to the Secretary General of the Council of Europe, in a form to be prescribed by the Committee of Ministers, a report on their policy pursued in accordance with Part II of this Charter and on the measures taken in application of those provisions of Part III which they have accepted. The first report shall be presented within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report.

2.   The Parties shall make their reports public.

Article 16 - Examination of the reports

1.   The reports presented to the Secretary General of the Council of Europe under Article 15 shall be examined by a committee of experts constituted in accordance with Article 17.

2.   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.

3.   On the basis of the reports specified in paragraph 1 and the information mentioned in paragraph 2, the committee of experts shall prepare a report for the Committee of Ministers. This report shall be accompanied by the comments which the Parties have been requested to make and may be made public by the Committee of Ministers.

4.   The report specified in paragraph 3 shall contain in particular the proposals of the committee of experts to the Committee of Ministers for the preparation of such recommendations of the latter body to one or more of the Parties as may be required.

5. The Secretary General of the Council of Europe shall make a two-yearly detailed report to the Parliamentary Assembly on the application of the Charter.

Article 17 - Committee of experts

1. The committee of experts shall be composed of one member per Party, appointed by the Committee of Ministers from a list of individuals of the highest integrity and recognised competence in the matters dealt with in the Charter, who shall be nominated by the Party concerned.
2. Members of the committee shall be appointed for a period of six years and shall be eligible for reappointment. A member who is unable to complete a term of office shall be replaced in accordance with the procedure laid down in paragraph 1, and the replacing member shall complete his predecessor's term of office.
3. The committee of experts shall adopt rules of procedure. Its secretarial services shall be provided by the Secretary General of the Council of Europe.

Part V - Final provisions

Article 18

This Charter shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 19

1. This Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five member States of the Council of Europe have expressed their consent to be bound by the Charter in accordance with the provisions of Article 18.
2. In respect of any member State which subsequently expresses its consent to be bound by it, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 20

1. After the entry into force of this Charter, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Charter.
2. In respect of any acceding State, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 21

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations to paragraphs 2 to 5 of Article 7 of this Charter. No other reservation may be made.
2. Any Contracting State which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.

Article 22

1.   Any Party may at any time denounce this Charter by means of a notification addressed to the Secretary General of the Council of Europe.
2.   Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 23

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Charter of:
   a.   any signature;
   b.   the deposit of any instrument of ratification, acceptance, approval or accession;
   c.   any date of entry into force of this Charter in accordance with Articles 19 and 20;
   d.   any notification received in application of the provisions of Article 3, paragraph 2;
   e.   any other act, notification or communication relating to this Charter.
In witness whereof the undersigned, being duly authorised thereto, have signed this Charter.

Done at Strasbourg, this 5th day of November 1992, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to this Charter.

A3 — Current state of signatures and ratifications

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES
ETS n° : 148
Treaty open for signature by the member States and for accession by non-member States

Status as of 10/10/00

OPENING FOR SIGNATURE :
Place : Strasbourg
Date : 05/11/92

ENTRY INTO FORCE :
Conditions : 5 Ratifications.
Date : 01/03/98

Member States of the Council of Europe:

STATES	DATE OF IGNATURE	DATE OF RATIFICATION	DATE OF ENTRY INTO FORCE	R.	D.	A.	T.	C.	O.
Albania									
Andorra									
Austria	05/11/92								
Belgium									
Bulgaria									
Croatia	05/11/97	05/11/97	01/03/98	X	X				
Cyprus	12/11/92								
Czech Republic									
Denmark	05/11/92	08/09/00	01/01/01						
Estonia									
Finland	05/11/92	09/11/94	01/03/98		X				
France	07/05/99				X				
Georgia									
Germany	05/11/92	16/09/98	01/01/99		X				
Greece									
Hungary	05/11/92	26/04/95	01/03/98		X				
Iceland	07/05/99								
Ireland									
Italy	27/06/00								
Latvia									
Liechtenstein	05/11/92	18/11/97	01/03/98		X				
Lithuania									
Luxembourg	05/11/92								
Malta	05/11/92								
Moldova									
Netherlands	05/11/92	02/05/96	01/03/98		X	X			
Norway	05/11/92	10/11/93	01/03/98		X				
Poland									
Portugal									
Romania	17/07/95								
Russia									
San Marino									
Slovakia									
Slovenia	03/07/97	04/10/00	01/01/01						
Spain	05/11/92								

Sweden	09/02/00	09/02/00	01/06/00	X				
Switzerland	08/10/93	23/12/97	01/04/98	X				
the former Yugoslav Republic of Macedonia	25/07/96							
Turkey								
Ukraine	02/05/96							
United Kingdom	02/03/00							

Total number of signatures not followed by ratifications :	12
Total number of ratifications/accessions :	11

Notes :

(a) Accession - (s) Signature without reservation as to ratification - (su) Succession - (r) Signature "ad referendum".

R.: Reservations - D.: Declarations - A.: Authorities - T.: Territorial Application - C.: Communication - O.: Objection.

Source: Treaty Office on http://conventions.coe.int

A4 — Selected bibliographical references

There is very little published work specifically devoted to the implementation of language policies—and in particular to the general principles to be applied there. The bibliographical references that follow are intended as a non-exhaustive guide to reference publications that are not specialised on the subject of this report, but are relevant to the questions discussed in it.

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II. European Charter for Regional or Minority Languages

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