

THE LANGUAGE DILEMMA

FULL SUMMARY

May 2001

LANGUAGE

Language is defined as a system of conventional spoken or written symbols by means of which human beings communicate, as members of a social group and participants in its culture.¹ Human society is modeled on the development of language, on the ability to communicate and to record.

Language as a means of communication on this planet is peculiar to humankind.

BABEL

With approximately 6,000 languages in use in a mere 200-odd countries of the world, multilingualism is a global reality.

Some languages are spoken by millions of people; some are in their last generation before extinction. Some countries try to protect threatened languages within their borders; some ignore them. Some countries seek to promote unity through a common language: the ways, means and reasons for this can differ sharply.

"The widespread impression that multilingualism is uncommon [results from] governments' policies:

"Less than a quarter of the world's nations give official recognition to two languages, and only six recognize three or more."²

THE LANGUAGE DILEMMA

The US-English Foundation is the largest organization in the United States working specifically on language related issues and the integration of immigrants. "The Language Dilemma" is a Foundation project set up to deal specifically with the issue of language and its legal position worldwide.

Over the twelve months to project completion in December 2000 the research team in Slovakia, where the whole was compiled, studied 58

¹ Encyclopedia Britannica, www.britannica.com, 1999-2000

² [Crystal 1987:360] Professor David Crystal, University of Wales, Bangor.

European, Asian and African countries. The 850-page results of that research can be found on the US-English Foundation web page (www.us-english.org).

The aim of the project was to gather information on and the legal framework for minority language rights in a range of countries, primarily in Europe. At base it set out to answer a very simple question:

Does the country have a language law or not and, in either case, what resultant problems must it deal with?

THE RESEARCH

The topic proved more complex than could be as simply answered. The study had to cover not only the existence of language legislation. It had to take account also of ethnic composition, historical background, problems with the languages' use and a host of individual details for each country.

Even at its simplest the question posed problems for the research team. At Appendix I the Reference List for all countries researched charts the Constitutional basis for any language law and the law enacted. Not all the gaps denote the absence of a law: in many cases the government were unable or unwilling to provide the text or even the reference to the law. In Bosnia & Herzegovina the researchers spent three days in various government offices trying to track down the relevant provisions, but had finally to give up the search.

For the majority of the countries, materials accessed via the web and data sent by our in-country contacts sufficed to complete the research. In many cases the need for more detailed information and situation review demands in-country research. The team has visited Bosnia and Herzegovina and Latvia (See Appendix V for reports). More visits would be advantageous to round off a number of results.

35 examples of current language law or other legislative documents dealing with the minority languages have been found to date.

This Summary compares most of the material gathered. Conditions in each country are not identical but they share sufficient similarities to allow their categorization. Ten countries remain outside categorization, and are briefly discussed in Appendix IV to this Summary.

In dealing with language the team has been forced to include some aspects of general culture in the results. Language and cultural characteristics are too closely interdependent to bear complete separation.

Likewise the team has been unable to obtain wholly objective results:

“The loyalty of a minority group to the State is based upon the conviction of its members that they are equal in their rights and options with other citizens and ethnic communities.”

Whatever may be the letter of the law there are instances where the citizens' reactions to essentially the same set of rules are wildly different as a result only of their subjective confidence in their government's integrity.

THE RESULTS

As well as making public the base data on the language situation worldwide the research results are important for their evidence of the effects of differing types of language legislation and their implementation. Vital for countries planning new language legislation, this is also crucial information for understanding minority tensions world-wide.

COUNTRY GROUPS

See the chart at Appendix II for summary group definition and countries per group. See Appendix III for their detailed summary.

The Group A countries are characterized by single or multiple official languages of equal status according to the number of distinct language groups indigenous to the country. Minority languages are supported, encouraged in use, and protected for the value of their integration into the host society.

No problems are reported between ethnic groups in any of these countries due to language or cultural suppression or restriction.

In *Sri Lanka* it is widely accepted that denial of language rights formed the basis for the civil ethnic unrest, which has substantially calmed following passage of the 1987 Language Act. In *Ireland* there is a danger that a lack of commitment and of resources may damage the intent enshrined in Constitution and Policy.

In *Singapore* the use of English at home has increased and of Chinese decreased over ten years, in part a result of the requirement in all schools to learn English. It could be argued that that the use of English disadvantages Chinese dialects.

In *South Africa* politics and history have combined to decree an unrealistic good intention that may pave a hard road.

The Group B countries are characterized by either an homogenous population and a single State language or an essentially bilingual population and two State languages. Minority languages are not excluded from society but are not encouraged. Previous membership of the former Soviet Socialist Republic is a feature of this group.

Armenia, Azerbaijan, Bulgaria and Georgia are clearly hampered in their ability to support minority languages by a lack of resources. Some National Minority tensions arise because of this.

Moldova, Tajikistan and Uzbekistan are struggling to reverse a repressive language policy instigated at their Independence from the USSR. Generally this reversal is forced by realization of the disastrous effect of alienating a substantial minority of the population, resulting in their removal from economic input to the country by emigration or inability to be employed under the repressive ruling.

The Netherlands and Sweden both are moving towards the preservation of minority cultures too late to hope for an easy solution.

For Sweden the loss may be of the benefit of Finnish cultural influence. For the Netherlands, the Government has been made aware of the need to integrate minority cultures into Dutch society by growing urban and economic problems consequent upon minority deprivation. As a developed nation it has made a number of provisions in this direction but is hampered by some confusion of intent, both from its own policy and from the minority groups themselves, toward integration or assimilation. Further, arguments on the return on investment in the field have been spawned by Budget restrictions. These have also affected the government's view of Frisian and Low Saxon demands, which are not seen as urgent.

Albania, Belarus and Kazakhstan are hampered by political ambitions from any smooth realization of their constitutional tolerance of a minority language. All three suffer from ethnic tensions destructive to their economies.

In common with many countries, Albania's Constitution proclaims an ethnic tolerance that does not exist in life and that is not pursued by government.

It appears that the Russian-speaking regime ruling Belarus have made a political decision to replace the Belarusian majority language with Russian, where the Kazakh-speaking regime ruling Kazakhstan have made a political decision to replace the Russian majority language with Kazakh.

The Group C countries are characterized slightly more broadly, but in general have one official language and either an homogenous population, a single significant ethnic minority or a range of equally influential ethnic groups. Language rights are specific to regions of minority or differing ethnic concentration and minority language rights invariably exclude co-official status.

Germany, Austria and Finland are examples of homogenous countries with official languages in a controlled legislative environment. Finland gives a positive example of such control where the second official language is that

of a 5% minority. Austria and Germany's protection of their tiny minority languages is declining in parallel with a declining elector interest. Austria is proposing the collation and positive review of its minority laws despite electoral suspicion. No problems are reported in these countries.

By contrast, *Croatia*, *Macedonia* and *Yugoslavia* apply a strictly controlled legislative environment totally out of tune with the ethnic minorities in their countries. The tensions arising from resistance to integration spawned the Kosovo crisis and may have similar results in Macedonia.

In *Lithuania*, *Slovenia*, *Slovakia*, *Estonia* and *Kyrgyzstan* various pressures have resulted in the reduction of single-language enforcement with consequent reduction in ethnic tension.

Lithuania, Slovakia and Kyrgyzstan have accepted international pressure to reduce enforcement of a single language policy. Slovenia recognizes the need for smooth relations with its influential neighbors in its exceptional tolerance of their ethnic minority inhabitants of the country. Estonia has been forced by international pressure and the growing alienation of its ethnic minority population to convert assimilation to integration.

The Ukraine and *Romania* give cost as a cause for fairly minimal protection of their minority languages, though both have positive structures in place to allow that.

Italy has an interesting policy towards granting minority languages and cultures regional official status. Her 1999 Act 482 is on the protection of Historic minority languages, which excuses the substantial passage of time before any adoption is approved.

Of those countries with three or more official languages two suffer from violent ethnic tension, for quite different reasons.

In *Bosnia & Herzegovina* the language legislation structure encourages the use of language as a political weapon, intensifies inter-ethnic tensions and the differentiation between peoples, costs the government huge sums and divides future generations. In *Spain* the Basque separatist group ETA uses language as a nationalist flag that has little to do with the protection granted and freely available from the State.

The language legislation structures of the remainder each differ substantially and have not given rise to ethnic tension.

Belgium and *Switzerland* have taken the concept of territorial language division to extremes. Belgium's laws have some similarity of effect to those of Bosnia & Herzegovina, in that the result is the establishment of a language identity that separates rather than assimilates or integrates citizens within the national whole. Switzerland's cantonal system is slowly

eroding the cultural identity of even major NM language users, and offers nothing to minor NM language users.

Russia's system of co-official regional languages can forecast a parallel danger for the US: that the nation's primary language may be lost within minority groups, who then lose their national identity as a consequence.

India is extreme in the number of official languages and is not so wealthy that this is an easy burden. "Non-scheduled" and "Non-major" minority languages throughout the country therefore are neglected. Note the problems arising from the need to encourage mobility of labor and the need for a lingua franca.

Group D countries espouse a single, mandatory, official language and repress minority languages in various ways.

Most extreme in repression is *Algeria*. Algeria embarked on a peaceful road to a national identity until the start of cultural repression under President Bendjedid. Once started, the violent reaction and civil disruption was a foregone conclusion, with each fresh action and reaction worsening the situation. Algeria in the 1960s was the wealthy prime contender for the role of leader of the Arab world. In the 2000s it is a strife-torn nonentity.

France and *Poland* are not normally regarded as countries repressing their minority languages. Poland's language law, however, is as strong as any. Due to the homogeneity of her population and the lack of any indigenous minority ethnic group save the Roma she is not perceived as repressive and no ethnic tensions are reported.

It is a requirement of any citizen of France that he protects and promotes the French language within and without the country. Unlike in Poland, neither this protection afforded the language, nor France's failure to ratify the European Charter on Minority Language Rights, have been criticized by the EU. The Breton, Corsican, Creole, Occitan and Oil minority languages are spoken by substantial regional populations but are being lost. Little tension arises from this because the ethnicity of the minority language users does not differ. Some tensions exist with the Corsican and Creole language users, who are ethnically more different.

The Group E countries are characterized by the adoption of a single, mandatory, official language and by the prohibition of minority languages to various degrees.

Latvia has alienated its Russian community and lowered its education and skill standards in the search for national assimilation by any means. The country now faces a collapsing economy, endemic corruption, civil unrest and international disrespect.

Effective political opposition cannot exist in *Syria* and therefore anti-regime manifestations have been very few. However, varying degrees of underground unrest and support for Kurdish autonomy are reported to exist, ready for any government weakness, caused by targeted discrimination and intolerance.

It remains illegal to learn Kurdish in *Turkey*, yet one-third of Kurds living in the Southeast region of Turkey (and half the Kurdish women) do not speak Turkish. This causes problems in communication with the State, ranging from the practical, as health care, to the philosophical, as political understanding and confidence in the regime. It further has left a legacy of underdevelopment and poverty that drain the State's resources and lead ultimately to such open conflict as now exists.

Greece does not attract much criticism for its prohibition of all minority languages save Turkish. Partly this is because it is a nearly homogenous country with only a 2% total national minority population, partly because it uses only legal means of repression, partly because it accepts religious definitions and champions assimilation.

Nearly all European countries researched exhibit one common failing: to protect, encourage or support their minority *Roma* language or culture. The Roma minority exists in nearly all of them, and in all of them resists integration, assimilation or participation. So well established is this feature of European society that little remark was made of it to our research team. So wide spread a dislocation would benefit from further research and recommendation.

CONCLUSIONS

Some results seem clear:

- A lack of national resources results in a lack of protection for minority language;
- The application of strict language legislation to enforce integration or assimilation is generally to raise ethnic tensions;
- The prohibition of minority language use is generally counter productive;
- The relaxation of repressive language legislation generally reduces ethnic tensions;
- The protection of minority language and culture is broadly recognized as advantageous to the host country.

Even these results are substantially varied by the individual circumstances of the country. They nevertheless tend to suggest successful language legislation – that resulting in an integrated society assimilating, acknowledging and protecting minority cultures – will not fall into Groups

D or E, which exhibit the common characteristic of a mandatory official language and the repression or prohibition of minority languages.

Successful language legislation can be shown to exist in all five groups, but is more evident in the first three. Group C perhaps illustrates a stronger possibility of ethnic division along the lines of language demarcation. Group B shows at first sight a discouraging trend toward ethnic tension, but this is largely caused by separate political ambitions. Group A countries evidence little ethnic tension, but, with the exception of South Africa, Singapore and Sri Lanka, are ethnically uniform. They do also seem to have to work hard to maintain what could be described as an artificial language environment, in which up to 11 official languages co-exist.

We conclude that, given a broadly stable and respectable system of government, the adoption of a single State language is a legislative framework simple to manage and well able to incorporate the inclusion of support and protection for minority languages. These are characteristic features of Group B. The further advantage this group offers is that the assimilation of the minority into the society of the majority is possible whilst at the same time the integration of his culture to the benefit of the majority can be preserved.

THE LANGUAGE DILEMMA

APPENDIX I

Reference List

THE U.S. ENGLISH FOUNDATION

REFERENCE LIST BY COUNTRY

Country	Constitution Articles covering Language and the protection of minorities	Laws/Statutes dealing with language
Albania	Draft Constitution (1998) Articles 14, 18, 20, 28, 31	Education Act
Algeria	Constitution (1996) Article 3	<i>The Law on the Generalization of the Use of the Arabic Language (1991)</i>
Armenia	Constitution (1999) Articles 12, 15, 37	<i>The Law of the Republic of Armenia on Language (1993)</i>
Australia		National Policy on Languages (1987)
Austria	Constitution (1983) Articles 8, 14	St. Germain Treaty ("Staatsvertrag" STGBI No. 303/1920, Articles 66-68) Ethnic Groups Act ("Volksgruppengesetz" BGBl of July 7, 1976 No. 196/1976) Treaties or Statutes for minority protection: Vienna State Treaty (1955) Treaty of Brno of June 7, 1920 (BGBl No. 163/1921) Provincial School Act of the Burgenland (LGBl 1937/40)
Azerbaijan	Constitution (1999) Articles 21, 25, 45	<i>The Law of the Republic of Azerbaijan on the State Language (1992)</i>
Belarus	Constitution (1994) Articles 17, 50	<i>The Law on National Minorities of the Republic of Belarus (1992)</i> The Law about Languages in the Belorussian SSR, January 1990
Belgium	Constitution (1994) Articles 1, 2, 4, 30, 43, 54, 129, 136, 138, 139	The 1963 Language Laws
Bosnia Herzegovina	The Constitution of the Federation of B&H (1995); Article 6 The Constitution of the Republika Srpska (1995); Articles 7, 34	
Bulgaria	Constitution (1991) Articles 3, 36	The Law on National Education The Law on Higher Education The Language Law (1991)

Country	Constitution Articles covering Language and the protection of minorities	Laws/Statutes dealing with language
Croatia	Constitution (1998) Articles 12, 14, 15, 17, 24	The Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities or minorities in the Republic of Croatia (1991), amended in May 2000 <i>The Law on Upbringing and Education in the Language and Script of Ethnic minorities (2000)</i> <i>The Law on the Use of the Language and Script of Ethnic Minorities in the Republic of Croatia (2000)</i> The Law on Croatian Radio and Television The Telecommunications Act
Cyprus	Constitution (1960) Articles 2, 3, 11, 12, 28, 30, 171, 180, 189	
Czech Republic	No Constitutional rights	No Language laws
Denmark	No Constitutional rights	No Language laws
Estonia	Constitution (1992) Articles 6, 12, 21, 37, 51, 52	<i>The Law of the Republic of Estonia on Language (1995)</i> <i>The Law of the Republic of Estonia on Cultural Autonomy for National Minorities (1993)</i>
Finland	Constitution (2000) Sections 6, 17, 51, 122	<i>Language Act (1922), Degree on the Implementation of the language Act (1922)</i> <i>Act on the Use of the Sami Language before the authorities (1991)</i>
France	Constitution (1992) Article 2	<i>Law No 94-665 of 4 August 1994 relative to the Use of the French Language</i> <i>Circular of 19 March 1996 concerning the Application of Law No 94-665 of 4 August 1994 relative to the Use of the French Language</i>
Georgia	Constitution of Georgia (1995) Articles 8, 14, 38, 85 Constitution of Abkhazia (1994) Article 6	Law on Education (1997) The law on Self-government (1997) The draft Law on the State Language (currently negotiated)
Germany	Constitution (1998) Article 3	Bilateral declarations "Boner und Kopenhagener Erklärungen" (1955) Constitution of Schleswig-Holstein (1990) The Kiel Declaration of the Land government of Schleswig-Holstein on the Status of the Danish minority (1949) German Unification Treaty (1990) Constitutions for Saxony and Brandenburg (1992) Preliminary Act on Administrative procedures for the Free State of Saxony (1993)
Greece	Constitution (1986) Articles 3, 5	
Hungary	Constitution (1997) Articles 68, 32B	<i>Act LXXVII of 1993 on the Rights of National and Ethnic Minorities</i> Act LXXIX of 1993 on Public Education and its amendment in 1996 Act I of 1996 on Radio and Television Broadcasting Act CXXVII of 1996 on the National News Agency Act XVII of 1996 on the Criminal Code

Country	Constitution Articles covering Language and the protection of minorities	Laws/Statutes dealing with language
India	Constitution (1996) Articles 29, 30, 120, 210, 343-351	<i>The Official Languages Act, 1963</i>
Indonesia	Constitution (1945) Article 36	
Ireland	Constitution (1995) Articles 8, 18, 25	The Equality Language Bill (in the preparation process)
Israel	No Constitution	
Italy	Constitution (2000) Articles 3, 6	<i>Act No 482 of 15 December 1999 on Protection of Historic Linguistic Minorities</i> Statutes for Autonomous Regions in Italy
Kazakhstan	Constitution (1995) Articles 7, 14, 19, 41, 58, 93	<i>The Law of the Republic of Kazakhstan on Languages in the Republic of Kazakhstan (1997)</i> partial laws and orders on formation of state identity, on Courts and Judges, on customs, on model of contracts, on the Constitutional Council, on education, on internal military forces, on the procedure of settling of economic disputes, on the implementation of the language law, on the implementation of the state program for developing of Kazakh and other ethnic languages
Kyrgyzstan	Constitution (1993) Articles 5, 15, 16, 32	<i>Law of the Kyrgyz Soviet Socialist Republic on the State Language of the Kyrgyz SSR (1989)</i> Resolution on Entering into Force of the Law of the Kyrgyz SSR on State Language of the Kyrgyz SSR, (1989) Decree #120 on Measures on Migration Processes Regulation in the Kyrgyz Republic, (94) Decision on Amending Article 5 of the Constitution of Kyrgyz Republic, (1996) Decree #21 on Further Development of the State Language of the Kyrgyz Republic, (1998)
Latvia	Constitution (1998) Articles 4, 14	<i>State Language Law (1999)</i>
Lithuania	Constitution (1992) Articles 14, 29, 37, 117	<i>Republic of Lithuania Law on the State Language (1995)</i> The Law on Ethnic minorities (1989)
Luxembourg	Constitution (1998) Article 29	
Macedonia	Constitution (1992) Articles 7, 48, 54	The law on Local-Self Government (52/95) The Census Law on Population, Households, Dwellings and Agricultural Holdings (1994) The Law on Identity Cards (1995), The Law on Primary and Secondary Education (1995) The Law on Registration of Birth, Deaths and Marriages (1995) The Law on Higher Education (2000), The Criminal Procedure Act (1997)
Moldova	Constitution (1994) Articles 10, 13, 16, 35, 78, 118	<i>The Dniester Moldovan Act on the Languages of Dniester Moldavian Republic (1992)</i> <i>The Law on the status of the State Language in the Moldavian SSR (1989)</i> <i>The Law on the function of language on the territory of the MSSR (1989)</i> The Law on spoken languages on the territory of the Republic of Moldova
Myanmar (Burma)	without constitutional provisions related to linguistic rights	

Country	Constitution Articles covering Language and the protection of minorities	Laws/Statutes dealing with language
Netherlands		The Minority Language Teaching Act (OALT) (1998) The General Act on Administrative Law The Act on the Use of the Frisian language in Legal Affairs
Nigeria	Constitution (1999) Articles 15, 35, 36, 55, 97	
Norway	Constitution (1996) Articles 92, 110a	The Language Law (1980)
Pakistan	Constitution (1973) Articles 28, 251, 255	
Poland	Constitution (1997) Articles 27, 35, 233	The Act on the Polish Language (1999)
Portugal	Constitution (1997) Articles 9, 13, 74	Official Recognition of Linguistic Rights of the Mirandese Community (1999), Normative Document Num 35/99 (1999)
Romania	Constitution (1991) Articles 4, 6, 7, 13, 23, 32, 127, 148	The Law on National Minorities and Autonomous Communities Proposed by the Democratic Alliance of Hungarians in Romania (DAHR) (1993) The Law on Public Administration (1991)+Government's Emergency Decree 22/1997 The Law on Education (1999)
Russia	Constitution (1993) Articles 19, 26, 29, 68	Languages of the RSFSR Peoples Act (1991)
Singapore	Constitution (1963) Articles 11, 152, 153, 159, 159A, 154	The Administration of Muslim Law Act Republic of Singapore (1968)
Slovakia	Constitution (1992) Articles 6, 12, 26, 34, 47	Law of the National Council of the Slovak Republic from November 15, 1995 on the State Language of the Slovak Republic Act of 10 July 1999 on National Minority Languages Use
Slovenia	Constitution (1991) Articles 5, 11, 14, 61, 62, 64, 65	Particular laws on bilingual documents, bilingual operations in the judiciary, bilingual transactions in municipal administration, on education, and mass media
South Africa	Constitution (1996) Sections 6, 9, 29-31, 35, 185, 186, 235	Multilingualism Bill (2000) Pan South African Language Board Act (1995) Republic Of South Africa South African Schools Bill (1996)
Spain	Constitution (1978), Articles 3, 20, 148	The Statute of Autonomy of Basque Country (1979) (NF) Basic Law of the Standardization of the Use of Basque (1982) The Statute of Autonomous Region of Aragon (1979) The Statute of Autonomy of Asturias The Statute of the Navarre Autonomous Community (1982) The statute of Autonomy of Catalonia (4/1979) Act No 1 of 7 January 1998, on Linguistic Policy The Statute of Autonomy of the Balearic Islands (2/1983) The Statute of Autonomy of the Valencian Community (5/1982) The Galician Autonomy Statute (1982) The Galician Linguistic Standardization Act (1983)

Country	Constitution Articles covering Language and the protection of minorities	Laws/Statutes dealing with language
Sri Lanka	Constitution (1978) Articles 12, 14, 18-25	The Official Language Act of 1956 Reasonable Use of Tamil Act of 1956
Sudan	Constitution (1998) Articles 3, 27	
Sweden	Constitution (1989), Article 2	New legislation (1999)
Switzerland	Constitution (2000), Articles 4, 18, 69, 70	The Federal Act on Financial Aid to Support and Protect Romansh and Italian Language and Culture (October 6, 1995) The Federal Act on Radio and Television Broadcasting (SR 748.40) The Publication Act (SR 170.512) The Federal Act on Administration Procedures, Article II, General Regulations (SR 172.021) The Federal Act on Civil Proceedings and Criminal Proceedings (SR 273) The Act on Federal Legal Care (SR 173,110)
Syria	Constitution (1973) Article 4	
Tajikistan	Constitution (1994) Articles 2, 65, 88	<i>Language Act of the Tadzhik Soviet Socialist Republic (1989)</i> Resolution #459 "On the Program of the Government of the Republic of Tajikistan on Development of the State language and of other languages in the Territory of the Republic of Tajikistan", (1997) Program of the Republic of Tajikistan on Development of the State Language and of Other Languages in the Territory of the Republic of Tajikistan (adopted by the Resolution #459)
Turkey	Constitution (1995) Articles 3, 10, 14, 26, 28, 42	Excerpts from relevant laws and degrees.
Ukraine	Constitution (1996) Articles 10, 53, 92, 103, 138, 148	<i>Law of Ukraine on Development and Use of Languages in Ukraine</i> The Law on National Minorities (1992)
	Constitution of the Autonomous Republic of Crimea (adopted on October 21, 1998)	
United Kingdom	No Constitution	<i>Welsh Language Act 1993</i>
Uzbekistan	Constitution (1992) Articles 4, 18, 115	<i>Law of the Republic of Uzbekistan On the State Language (1995)</i> Law of the Republic of Uzbekistan on the State Language, (1989), No.3561-XI Law of the Republic of Uzbekistan on Amendments and Complements to the Law On State Language of the Republic of Uzbekistan, (1995) Law on Citizenship, (1992)
Yugoslavia	Constitution (1992)	The Law on the Official Use of Language
	Articles 11, 15, 20, 23, 45, 46, 47, 48, 49, 50	Federal and republic laws, other legal documents

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APPENDIX II

Group Definition

THE U.S. ENGLISH FOUNDATION

COUNTRIES BY GROUP & LANGUAGE NUMBERS

Group Languages	A	B	C	D	E	NO GROUPING
	← Minority language protective			Majority language protective →		
1	Hungary Portugal Norway	Armenia Azerbaijan Moldova Tajikistan Uzbekistan Albania Bulgaria Georgia Netherlands Sweden	Croatia Lithuania Slovenia Italy Germany Macedonia Ukraine Austria Romania Slovakia Estonia *Yugoslavia	Algeria France Poland	Latvia Syria Turkey Greece	Australia Burma Czech Republic Denmark Indonesia Israel Nigeria Pakistan Sudan United Kingdom
2	Cyprus Ireland Sri Lanka	Belarus Kazakhstan	Finland Kyrgyzstan			
3 and more	Luxembourg Singapore South Africa		Belgium Bosnia & Herzegovina Switzerland Russia Spain India			

Countries for which the whole text of the Constitution, Language Law or other Law dealing with National Minorities is available

Countries for which the whole text of the Constitution and excerpts from other laws are available

Countries wholly outside these groupings or with no Constitutional provisions related to linguistic rights are shown separately

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APPENDIX III

Summary Research Document

GROUP A1 Hungary, Portugal, Norway

THE COUNTRIES IN THIS GROUP ARE CHARACTERIZED BY:

- The homogeneity of the population;
- A single official language;
- A supportive attitude towards national minorities (NM);
- The development of the NM language and its use in government, the Courts, in education, in broadcasting and in cultural organizations are guaranteed by Law;
- The goal of the law is not the loss of the NM language through population assimilation but its preservation.

NOTE ALSO:

HUNGARY

- The Law on NM language adds, “No one may be disadvantaged through not knowing the Hungarian language.”
- Radio and television broadcasting Authorities not only must make public service broadcasts in NM languages, but also must broadcast programs on the life and culture of NM groups.

PORTUGAL

- The Mirandese-speaking community represents less than 0,1% of the population and is restricted to rural areas in one district of Portugal. This language, which began to emerge in the 12th Century and may be described as an original dialect of Portuguese, is now promoted and protected by law.
- The Roma community represents just less than 1,0% of the population. Various government programs are aimed at integrating the Roma into the larger society.

NORWAY

- Norway is unique in its recognition of two official written forms (Bokmål and Nynorsk) of one spoken language. Nynorsk remains the less popular, despite supportive provisions. Neither is a spoken language: all spoken languages except Sami are considered to be dialects of Norwegian.
- Sami does have official language status, whilst spoken by less than 1,0% of the population (the reason for the A1 Grouping). It is protected and preserved in specific territories.

IMPLEMENTATION AND EFFECT

HUNGARY

- The Public Foundation for National and Ethnic Minorities in Hungary was established by the Government to allocate funds from the state budget for NM community relations;

No problems were reported, but Roma remain often disadvantaged in education.

PORTUGAL

- Since the 1999 adoption of the Mirandese Community Language Law a wider use of the language in different spheres of everyday life has been initiated;

No problems were reported, but despite government efforts the Roma remain a separate group.

NORWAY

- All textbooks for schools are published in both a Bokmål and Nynorsk version at the same time and at the same price, in an attempt to balance the language popularity;
- A movement to protect Sami culture gathered force from the 1960s and culminated in the provisions of the 1988 Norwegian Constitution, which overturned restrictions on the Sami language and the attempted submergence of their culture by giving responsibility to the state for its preservation.

No problems were reported.

GROUP A2 Cyprus, Ireland, Sri Lanka

THE COUNTRIES IN THIS GROUP ARE CHARACTERIZED BY:

- Factors largely as A1;
- Two official languages, with both having equal rights

NOTE ALSO:

IRELAND

- Although two languages are official, Irish (Celtic) is not widely used.
- New legislation is scheduled for the encouragement of the use of Irish.

SRI LANKA

- The 1956 Official Language Act declared Sinhala the only Official language in the country. This Act (and the motives perceived for it)

immediately provoked a reaction among Tamils, who considered their language, culture and economic position to be endangered. It was not until July 1987 that Tamil also became an Official language, after a number of attempted compromises.

- Tamil remains less encouraged in daily life than is Sinhala, although both languages are legally equal.

CYPRUS

- Both Turkish and Greek languages are official and theoretically they have the same rights.

IMPLEMENTATION AND EFFECT

IRELAND

- Despite the strong constitutional position of the Irish language (as the first official and the national language) the actual position of the two official languages, Irish and English, is very unequal. The levels of service to Irish speakers and of planning for the provision of such services are not satisfactory despite initiatives;
 - It is virtually impossible generally to be assured of professional services in Irish in, say, the medical field; it is generally quite difficult for a citizen to deal with Government and public offices in Irish. Conversely, in Irish-speaking parts of Ireland, healthcare services are themselves lacking, as is any support system for children who have difficulties with Irish and for teaching in the community's language;

A lack of government commitment and national resources is damaging the good intentions enshrined in Constitution and policy.

SRI LANKA

- After charges of discrimination towards Tamils, the most commonly heard complaint is the allegedly unsatisfactory place remaining to the Tamil language in the affairs of the country;

It is widely accepted that the denial of language rights formed the basis for the civil ethnic unrest in Sri Lanka, which has substantially calmed following passage of the 1987 Language Act.

CYPRUS

The fact of more than 25 years of partition of the island on largely ethnic grounds makes the recognized government's constitutional declaration of a bilingual Republic largely irrelevant at this time.

GROUP A3 Luxembourg, Singapore, South Africa

THE COUNTRIES IN THIS GROUP ARE CHARACTERIZED BY:

- Three or more languages (Luxembourg 3, Singapore 4, South Africa 11 (9+2));
- An atmosphere in which each language can be used freely.

NOTE ALSO:

LUXEMBOURG

- German is the primary language of the press and is the de facto lingua franca.
- Luxembourgian is the national language;
- French is the primary language in legislation.

SINGAPORE

- With the national language, Malay (Roman script), there are four official languages: Malay, Mandarin, Tamil and English;
- The use of and teaching in other languages of the NM communities are constitutional rights.

SOUTH AFRICA

- The Constitution in 1996 recognized nine African (Bantu) languages to be official, together with English and Afrikaans.
- This example is an extreme in the category.

IMPLEMENTATION AND EFFECT

LUXEMBOURG

No problems were reported.

SINGAPORE

- Singapore proclaims as one of its greatest strengths its “unity through diversity”, which the co-existence of four official languages illustrates.
- The Government takes proactive measures to ensure racial, ethnic, religious, and cultural nondiscrimination. Singapore’s leaders explicitly rejected the ideology of “melting pot” assimilation, offering rather the vision of a confidently multiethnic society in which distinct languages, religions, and customs are retained, denying any significant difference between each and yet highlighting the contrasts.
- English has been adopted as the lingua franca in business and in education. A neutral language on Singapore, its successful adoption

was possible in part because the people support their paternalist government and because they have one of the world's highest standards of living.

21% of households spoke English at home by 1990, an increase from 12% over ten years, in part a result of the requirement in all schools to learn English. The use of dialect Chinese at home declined in favor of English and Mandarin from 60% to 38% over the same period. It could be argued that that the use of English disadvantages NM Chinese dialects. No problems were reported.

SOUTH AFRICA

- All 11 languages are equal and all are guaranteed freedom of use;
- National and local governments may use any language, taking into account the needs and preferences of the population; at least two languages must be used for any one purpose;
- Multilingualism is very costly. The translation of all legislation and forms, plus the guarantee of the right to education in 11 languages of choice, result in a financial burden that can be barely carried;
- For practical reasons, although an NM language, English predominates as a lingua franca. For political reasons, its use cannot be formalized;

Politics and history have combined to decree an unrealistic good intention that may pave a hard road.

GROUP B1 Armenia, Azerbaijan, Moldova, Tajikistan, Uzbekistan, Albania, Bulgaria, Georgia, Netherlands, Sweden**THE COUNTRIES IN THIS GROUP ARE CHARACTERIZED BY:**

- A nearly homogenous population;
- One official State language, promoted and used exclusively in certain areas of everyday life;
- National Minority languages are not excluded from society but are not encouraged;
- The Law does not affect the use of language unofficially or privately;
- In some of the countries from this group (Armenia, Azerbaijan, Bulgaria, Georgia, Sweden, Tajikistan) the State language is an obligatory subject at schools teaching in the NM language.
- Previous membership of the former Soviet Socialist Republic (six of ten cases).

NOTE ALSO:

AZERBAIJAN

- Languages other than Azerbaijani (Turkic) can be used outside officialdom, but the State language is applied to all public spheres of life; political, economic, scientific, educational and cultural.
- The 1988 conflict over the Nagorno-Karabakh region between Armenia and Azerbaijan remains unresolved, though the 1994 cease-fire is generally observed. Armenian NM relations are affected;

MOLDOVA

- The National language is Moldovan, the name given the original Romanian tongue of the annexed territory in an attempt to assert independence and regain lost cultural identity;
- The Russian and Gagauz (on its territory) languages benefit from assured bilingualism in official contact and in education.
- Secessionist factions have given rise to conflict, which has been under monitored ceasefire since 1992. Tensions still exist.

TAJIKISTAN

- A 64% Tajik majority; Russian and Uzbek languages currently can be used freely.

UZBEKISTAN

- The 1992 Constitution grants respect and rights to national minorities and specifically access to the judiciary in the NM language;

- The 1995 Amendment to the 1989 Language Law gives the State language dominance at the expense of Russian, however; strengthens the use of Uzbek in public affairs and communications and establishes that by 2005 it will be the sole language in that sphere;
- The 1995 Amendment grants opportunity for free study of the State language whilst claiming to support and provide for education and the development of the NM languages;
- The 1997 Law on Political Parties prohibits parties formed on ethnic or religious lines.

BULGARIA

- The 1991 Constitution declares Bulgarian to be the Republic's Official language; it is "the right and obligation" of every citizen to speak it.
- The 1997 Radio and Television (Amendment) Act allows programs in foreign languages to be broadcast for "Bulgarian citizens whose mother tongue is not Bulgarian".

GEORGIA

- The 1995 Constitution and the 1997 Laws on Culture and on Education proclaim Georgian (and Abkhaz in Abkhazia) the State languages.

NETHERLANDS

- The Official language of the Netherlands is Dutch. The Minority Language Teaching Act (OALT) 1998 provides for Local Authorities to make available voluntary, out of school hours, classes in NM language and culture. This is stated as a means to ease integration into Dutch society by means of the grant of greater self-confidence through self-awareness;
- Frisian can be used for official communications and in Court only in the province of Friesland.
- Low Saxon is not recognized in Chapter III of the European Charter for Regional or Minority languages as ratified in the Netherlands in 1996.

SWEDEN

- New Swedish legislation guaranteeing the right to use Sami, Finnish and Meankieli in several spheres of public life came into force in 1999.

ALBANIA

- The 1998 Constitution proclaims Albanian the single Official Language of Albania.

IMPLEMENTATION AND EFFECT

ARMENIA

- Although the law provides linguistic minorities with the right to publish and study in their native language, the Government has reduced funding greatly in recent years and now devotes minimal resources to maintaining NM language schools;

A lack of priority interest in the cultures of small NM groups and a lack of the funding to promote or protect them, combined with deterioration in NM economic and social levels, leave them vulnerable to discrimination from ethnic Armenians.

AZERBAIJAN

- Despite the preeminence of the State language, Russian is still accepted in practice as a contact language with the State.
- NM representatives may use their own language in court, the mass media may use other languages, advertising and product names may be in foreign or other languages and some limited education opportunities exist in NM languages in specific areas;
- A draft law on protection of NM rights (not ratified at publication) appears to seek integration rather than assimilation. NM peoples are however encouraged and assisted to study the State language, and the expansion of educative opportunities in NM languages looks to be limited to NM regions and jointly with Azerbaijani;

Interest in NM culture is limited, in part by the homogeneity of the population, in part as a result of the conflict with Armenia (Armenians constitute a 2,0% NM, of a total of 10%). Funding for special provisions is likewise limited. The legal framework of protection is and seems likely to remain reactive rather than pro-active.

MOLDOVA

- Assured bilingual (and tri-lingual in Gagauz areas) communications with government, in education and commerce did not allow for a lack of able multi-lingual personnel. Parliament has indefinitely postponed implementation of laws requiring this;
- Ukrainian, Russian and Gagauzian of the seven NM languages are used for instruction in schools, and only Russian in higher education and vocational training;
- Special broadcasting in NM languages is publicly funded, as are five NM language public libraries in Chi'inău, the capital;

Mistakes and delays as the Government initiated the language changes aggravated socio-political tensions and gave rise to public demonstrations of opposition. Attempts to acknowledge NM interests and at the same time to establish a functional national language are foundering on conceptual and

practical problems, remain imperfect and have created rifts in formerly integrated multi-ethnic communities.

TAJIKISTAN

- The 1992 Language Law Amendment proposed Tajik be the sole official state language by 1994, eliminating altogether the status of Russian as a language for conducting official and commercial business. The Amendment has not been ratified;
- Tajikistan is a strong example of a problem faced by six of the ten countries in the group. Russian was the lingua franca and the language of education and power in a multi-lingual country with a 35% NM population;
- The Language Law draft Amendment ignored the concerns of the skilled Russian-speaking workforce and the long period needed for language rationalization. Had it been ratified Tajikistan would have faced a similar problem as do such countries as Latvia, for example, with a declining specialist workforce and NM tensions.

The delay in ratification of the Amendments to the Law shows an understanding of the need for tolerance for practical reasons. That it has not been repealed is discouraging of the belief that protection of NM language and culture is seen to be advantageous for its own sake, despite the current positive interpretation of the original Law.

UZBEKISTAN

- Current laws appear not to require knowledge of the State language for employment, but NM groups complain of limited job opportunities. Senior positions in the civil service and business generally do seem reserved for ethnic Uzbeks;
- The rights granted NM groups in Law are not carried through to practice, according to the data we have available;
- The 1997 Law on Political Parties effectively prevents ethnic minorities from public expression and representation of their interests. The 1995 Language Law has been used to curtail freedom of public expression in the mass media;
- In common with a number of countries in this Group the language transition process is complicated by the script changes (Arabic to Latin to Cyrillic to Latin) of the past 75 years;

The modification of the 1995 Language Law Amendment argues the appearance of a greater tolerance for NM needs, but this must be balanced by Uzbekistan's economic dependence on Russia.

BULGARIA

- Use of the Romany language is declining. The Government claims that this stems from an unwillingness to be educated in Romany. However, the quality of education and teacher training is low.

- Two Turkish/Bulgarian newspapers are published, with support from Turkey. NM organizations, cultural events and worship can be in the NM language, but without State assistance.
- Since the 1991 Constitution the Government first relaxed restrictions on NM languages and now gives slight encouragement to the preservation of the NM culture.

A lack of government commitment and national resources is discouraging of the amelioration of the intentions enshrined in Constitution and policy.

GEORGIA

- There is currently no specific legislation for the use of NM languages in officialdom. It remains a priority in the country to reinforce the position of Georgian as the State language.
- The Russian language is still in use amongst a number of dispersed minorities, whilst their NM languages are used where they live more densely. Correspondence between some regions and the central authorities continues to be in Russian.
- NM communities are afraid to lose their self-identity and their native language in the country.
- The Assyrian and Kurd minorities, without an extant motherland, suffer from a lack of free communication outside the country's borders.
- State schools lack sufficient specialist teaching and textbooks, which have to be imported.
- Sociological surveys reveal that the main cause of emigration is the poor economic condition of the country, not discrimination.

A lack of government commitment and national resources, combined with the lack of a coherent language policy, provides for some NM tensions.

NETHERLANDS

- Research shows that many among the five major immigrant ethnic groups in the Netherlands - the Turks, Moroccans, Surinamers, Antilleans and Cape Verdians - continue to suffer deprivation in education and work through the second generation.
- Language is a barrier to education, training and to workplace communications. Consequently it is often only the most menial work, for which no native employees can be found, that is available to the migrant worker.
- Attempts are being made to balance the differences. A process of "matching" has been established but has not been successful to date. A lack of fluency in the host language, caused by educational deficiencies, is one of the roots of the deprivation spiral.

- LOW-SAXON

- Low Saxon speakers in the Netherlands have called on the Council of Europe to pressurize the Dutch government into granting further recognition to their language. The exclusion of Low Saxon from the Chapter III provisions has often been used to refuse applications for funding of publications in the language.

- FRISIAN

- The Dutch government has been warned of the need to improve its record with this NM language. Although it ratified the provision that 'a substantial part of pre-primary education should be offered in Frisian', there are no legal or financial arrangements to provide for this.
- The provincial authorities of Friesland seek to improve the legal and financial position of Frisian through a new language covenant with the Dutch government, to replace the existing agreement dating from 1993.

- URBAN PROBLEMS

- The problems and consequences of deprivation seem to have become exclusive to the big cities where the economic consequences of structural unemployment in the unskilled sectors are giving rise to most deprivation.
- Some parts of the bigger cities in the Netherlands were - and still are - characterized by a high percentage of long-term unemployment and a relatively high level of crime, often drug-related. This trend is easily perceived to result from the presence of a large proportion of ethnic minorities, often with large families. A possible split in society is now of increasing concern as a result of ghetto formation in some big city neighborhoods.
- The cities of Amsterdam, The Hague, Rotterdam and Utrecht (the G4) agreed to the creation of an integrated policy program for the necessary revitalization of the big cities on July 12, 1995. The agreement covered: safety, social services, education and "livability" (neighborhood environment).
- A compensation policy is directed at schools in areas where 75% or more of pupils come from disadvantaged backgrounds, which allocates extra resources for pupils from ethnic minorities.
- The Integration of Newcomers Project (PIN) offers an acclimatization program through the study of Dutch society and language. These measures are a drain on State resources, but are generally regarded as an investment.

The Netherlands Government is clearly aware of the need to integrate NM cultures into Dutch society. As a developed nation it has made a number of provisions in this direction but is hampered by some confusion of intent, both

from policy and from the NM Groups, between integration and assimilation. Moreover, Budget restrictions have spawned arguments on the return on investment in the area. Frisian and Low Saxon demands are not seen as urgent.

SWEDEN

- Swedish is the only State language, with the 1975 Constitution granting the Finnish and Sami NMs opportunities for the development and preservation of their language and culture. This did not grant them, or the other NM communities, the right to deal with public administration in their own language.
- To 1957 the use of Finnish had been forbidden in Swedish schools. Now, according to the fact sheet published by the Ministry of Culture in June 1999, the government anticipates expenditure of SEK 10 million (USD 100,000 app) per year from 2000 as a response to the new 1999 minority languages policy, which seeks to strengthen their use and presence locally and nationally. This is for expenditure on municipalities and county councils; the courts; strengthening the state cultural subsidy; measures concerning the national minorities' influence; and follow-up measures.
- The 2.3% Finnish minority is well assimilated into Sweden and not much interested in a wider use of their language in the limited spheres available.

The current moves towards the preservation of NM cultures are too late to have much success.

ALBANIA

- The Greek minority continues to complain of a lack of opportunity for Greek-language education, of discrimination in the fields of religion and employment. The ratification of their constitutional rights has been insisted upon by Greece as far as possible, without which pressure their situation would be less protected.

In common with many countries, Albania's Constitution proclaims an ethnic tolerance that does not exist in life and that is not pursued by government

GROUP B2 Belarus, Kazakhstan

THE COUNTRIES IN THIS GROUP ARE CHARACTERIZED BY:

- Two official languages;
- Essentially bilingual population;
- Significant Russian minority population, ranging from 13% to 34,7%;
- Russian has remained from the previous era as one of the official languages;
- NM Languages are recognized in certain official spheres.

NOTE ALSO:

BELARUS

- The 1994 Constitution recognizes both Belarusian and Russian as Official Languages. The Russian language use is more widespread than the Belarusian, despite a 78% Belarusian population.

KAZAKHSTAN

- The 1995 Constitution declared Kazakh the State Language and Russian an Official Language.
- The 1997 Language Law requires that citizens master the Kazakh language, whilst retaining Russian as an alternate language able to be used in official communication. Kazakh has priority and is planned to supersede all official Russian language use by 2010.

IMPLEMENTATION AND EFFECT

BELARUS

- Russian is the predominant language, particularly for the government (including the judiciary), in commerce, and in the media. Official proceedings increasingly take place only in Russian. 13% of the population are Russian.
- Belarusian had been adopted as the country's official language in 1990, in the lead-in to Independence, and children were to be taught only in Belarusian. However, Russian remained the main language of instruction in practice.
- After Independence and by the time of the 1994 Constitution only 17% of the population were reported to favor having the government declare Belarusian the sole official language of the country. According to the 1999 census, however, about 38% of Belarusian residents speak Belarusian in their every day lives, and 82% consider Belarusian their mother tongue.

It appears that the Russian-speaking regime ruling Belarus have made a political decision to replace the Belarusian majority language with Russian.

KAZAKHSTAN

- After the 1991 collapse of the Soviet Union, policy in the newly independent State was aimed at strengthening the position of the Kazakh language at the expense of the Russian. This despite the fact that 54% of the population of Kazakhstan does not have Kazakh as their mother tongue and 40% have Russian.
- Even for those who are fluent in Kazakh, Russian continues to be the lingua franca and the standard language of business. Kazakh is considered to be a difficult language in that it has never developed a modern technical vocabulary.
- In 1990 about twice as many schools taught in Russian as in Kazakh. Although institutions of higher education now show a strong selection bias in favor of Kazakh students, Russian is used as the language of instruction for the majority of subjects.
- Its official language status means that Russian continues as the primary language of communication for many ethnic Kazakhs, and it will remain acceptable for use in schools (a major concern of Russian citizens) and official documents. However, the requirement that in no less than 15 years all state employees must know Kazakh remains on the Statute Books, although subject to postponement.
- Ethnic Russian-speaking people feel discriminated against for their lack of the Kazakh language. Kazakhstan's government, however, claims that the requirement to know the State language in occupying certain positions, especially those requiring communication in different languages, cannot be considered discriminatory.
- The issue of language in Kazakhstan is a politicized and contentious one. The State language is not flexible, modern or dominant. The language controversy allied with the need to persuade the Russian population to stay in the country has prompted President Nazarbayev to postpone deadlines for implementation of laws making Kazakh the sole official language.

It appears that the Kazakh-speaking regime ruling Kazakhstan have made a political decision to replace the Russian majority language with Kazakh.

GROUP C1 Croatia, Lithuania, Slovenia, Italy, Germany, Macedonia, Ukraine, Austria, Romania, Slovakia, Estonia, FRY**THE COUNTRIES IN THIS GROUP ARE CHARACTERIZED BY:**

- One official language;
- Either a nearly homogenous population (Austria, Germany, Italy);
- Or a single significant ethnic minority (Russians in Estonia – 29%, Russians in Ukraine – 22%, Albanians in Macedonia – 23%, Albanians in Yugoslavia – 14%);
- A Language Law for the National Minority specific to a territory or to a population percentage in that territory.
- Whilst each country follows different rules on the language rights of the minority the National Minority language invariably lacks the status of a co-official language

NOTE ALSO:

- Territories in which the language of the National Minority may be used officially:
 - CROATIA: A detailed legal definition;
 - LITHUANIA: Areas of substantial minority numbers;
 - SLOVENIA: For the two influential National Minority groups – Italians and Hungarians – whatever may be their population proportion. No resolution for others or Roma;
 - ITALY, GERMANY, AUSTRIA: Broadly similar provision that National Minority citizens generally must comprise at least 15% of the electoral roll or exceed 1/3 of any Council membership;
 - MACEDONIA, SLOVAKIA, ROMANIA: NM citizens must comprise at least 20% of a municipality's population;
 - ESTONIA, UKRAINE: NM citizens must be the majority population in a specific territory;
 - YUGOSLAVIA: The NM language and script in theory may be used officially in administration, education and the media in any territory they inhabit, in theory. In practice, this is true only for the Vojvodina autonomous province.

- This category, or country group, is the most difficult to define precisely, being neither strongly minority-language nor majority-language protective:
 - CROATIA: Three separate laws look positively at minority language use in all spheres of everyday life, but are largely ineffective;
 - LITHUANIA: The most minority-language protective of the Baltic States;
 - SLOVENIA: A special case. For the Hungarian and Italian minority language users all official documents are bilingual (even passports), but for new minority languages the situation is as yet unresolved;
 - ITALY, GERMANY, MACEDONIA, UKRAINE, AND AUSTRIA: Minority language rights are guaranteed but their implementation is lacking;
 - ROMANIA, SLOVAKIA: Socio-political problems with majority population resentment of the large minority Hungarian population have meant that language protection laws cannot be applied properly, and that misinterpretation of the basic terms is possible and usual;
 - ESTONIA: National minority languages are defined as foreign languages by law. Knowledge of Estonian, as the country's main language, can be compulsory in many official and professional positions and is compulsory for Estonian citizenship;
 - FEDERAL REPUBLIC OF YUGOSLAVIA: Self-proclaimed (but largely unrecognized) as the successor to the Socialist Federal Republic of Yugoslavia, Yugoslavia comprised two States (Serbia and Montenegro) and two Autonomous Provinces (Vojvodina and Kosovo), which mélange makes it both part of Group C and an exception to it.

The three Constitutions of the FRY (Federal, of Serbia and of Montenegro) provide protection for a range of minority rights. Further, the FRY is bound by numerous international standards on human and minority rights ratified by the former Socialist Republic and by the FRY.

Basically, minority groups that have been recognized as “national minorities” have various rights – such as education in their first language and the right to foster their culture – which are not open to other minority groups. Within Serbia, minority language users may most easily exercise their rights in the province of Vojvodina. Over Serbia proper and in Sandzak (non-autonomous) Province rights are much more restricted. The Kosovo conflict arose from disputed minority ethnic rights.

CROATIA

- The 1998 Constitution declares the Croatian language in Latin script the official language;
- Laws 1128 and 1129 (May 2000) allocate funds from the State budget to the use of NM language in schools under certain restrictions and to equality of NM language use in some territories.

LITHUANIA

- The 1995 Lithuanian Law on the State Language deals with the mandatory use of the state language in the Courts, commercial records and in legislation;
- The 1989 Law on Ethnic Minorities is widely considered by international observers to be the most liberal in the Baltic States. Article 4 says that in offices and organizations located in areas of substantial minority numbers with a different language, the language spoken by that minority shall be used in addition to the Lithuanian language. This also applies to schooling, newspaper and street signs.

SLOVENIA

- The 1991 Constitution grants co-official language status with Slovenian to Hungarian and Italian in all territories in which they live, by special statute and without reference to numbers.

ITALY

- The 2000 Constitution declares Italian the official language;
- The 1999 Act 482 on the Protection of Historic Minority Languages is used for the protection of 12 linguistic minorities (excluding Romany) and is unique in its inclusion of an “historic” component. Still too new for its effect properly to be judged it appears that the Act is used to grant limited rights in specific territories of established NM population without much reference to time.

GERMANY

- German is the sole official language by various administrative Acts;
- Danish, Frisian and Sorbian are protected languages.

MACEDONIA

- The 1992 Constitution declares Macedonian in Cyrillic the official language.

UKRAINE

- The 1996 Constitution declares Ukrainian the State Language, and guarantees the free development, use and protection of Russian and other minority languages;

- The 1992 Law on National Minorities guarantees minorities the use of their native language and the right to native-language education.

AUSTRIA

- The 1983 Constitution provides that German be the Official Language;
- Two Federal Ordinances in 1990 grant Slovenian and Croatian status as additional provincial official languages.

ROMANIA

- The 1991 Constitution declares Romanian the official language and recognizes and protects the right of National Minorities to learn their mother tongue;
- The 1991 Law on Local Public Administration allowed for NM language use in some local authority administrative dealings, clarified to areas in which the NM exceeded 20% of the population by the 1997 Emergency Decree 22;
- The 1995 Education Act aimed to enforce the dominance of the official language and majority culture by restrictions and deprivations. The 1997 Emergency Decree 36 removed some provisions from the Act, but the 1999 Education Act, to be based on Decree 36, again included NM language restrictions.

SLOVAKIA

- The use of Slovak as the State Language is required by the 1992 Constitution;
- The current Law on Minority Languages was adopted on July 10, 1999. It allows, and to some extent promotes, the use of minority languages in public administration at local authority level, where at least 20% of the community belong to a minority group.

ESTONIA

- The 1992 Constitution declares Estonian the State Language. Any other language shall be considered a foreign language (Article 2);
- Citizenship requires knowledge of the Estonian language and Estonian history, and loyalty to the Republic. Knowledge of the Estonian language is the main precondition for naturalization;
- First language Russian speakers comprise 33% of the population;
- In 1993 the Estonian government passed a new election law for municipalities that denied Russian-speaking residents of Estonia the right to be elected to local government. In the same year the government adopted a new Law on Cultural Autonomy that permitted some relaxation of State Language use in local government areas with an NM population of over 50%;

- In 1997 the Government formed an Expert Committee for the Examination of Demography and the Integration of Ethnic Minorities into Estonian society. The main task of the committee became the development of the foundations of the state integration policy designed to slow the exodus of the Russian-speaking workforce.

YUGOSLAVIA

- The 1992 Constitution declares Serb the Official Language of Yugoslavia;

IMPLEMENTATION AND EFFECT

CROATIA

- The Council on National Minorities, established as an independent body for the expression of minorities' views on government proposals and for their recommendations concerning minority issues, has proven to be ineffective;
- Constitutionally, ethnic minorities enjoy the same protection as other recognized ethnic and religious groups. However, in practice a pattern of often open and severe discrimination continues;
- Government committees established in 1997 to promote reconciliation and trust between Croats and Serbs have not been effective.
- The Croatian legislature approved a package of governmental proposals on May 11, 2000 to guarantee minority rights according to European standards. Described as "more liberal than that in most European countries", these measures have not been implemented.

Whatever laws are passed the entrenched hostility between the Serb and Croat peoples renders them practically ineffective. This is well illustrated in the minority language issue: the Serb and Croat languages are essentially the same, with a smaller difference between them than between American and English, yet Government measures to change attitudes within the education system lack any conviction.

LITHUANIA

- Amongst the Baltic States Lithuania has the smallest number of Soviet-era Russian immigrants (8% of the population), however the rights of national minorities, including those of Russians, are fully respected.
- In certain cases knowledge of the State language to defined qualification levels is one of the requirements for employment in public office.

The requirement to speak Lithuanian exists but official pressure to enforce it is reasonable by comparison with Latvia, for example.

SLOVENIA

- Many of the 5,000 to 10,000 non-Slovene citizens are relatively recent internal migrants to Slovenia from the former Yugoslavia in the decades leading up to independence. In 1998, the Ministry of Culture allocated SIT 5.6 million (USD 23,000) for cultural support to newly formed ethnic communities.
- In the field of education Roma children receive special care but on the other side too little has been done to remove language barriers, to introduce the Roma language into schools and to nurture Roma cultural traditions.

96% of the population is Slovene or of the FRY. The remainder comprises very small numbers of very mixed ethnic background. That Hungarian and Italian minority languages are singled out for special protection is evidence of the Government's interest in fostering good relations with its large and influential neighbors. Roma is granted similar protection in theory but not in practice.

ITALY

- The recognition and protection of the Roma language remains unresolved.
- The Slovene community in the Region Friuli Venezia Giulia has waited for 25 years for legislation to assure its linguistic rights.
- Current legislation includes protecting the German language in South Tyrol and the French language in the Aosta Valley.

Italy is an homogenous country with over 94% of the population ethnic Italian. The Slovene community comprises less than 0,14% and the impending legislation in its favor is evidence of a generally permissive attitude. The "Historic" component of the NM language legislation can be seen as a wise measure allowing for time to bring a clearer perspective to any NM language issue.

GERMANY

- In March 2000 the Federal Government announced its plan to cut financial support for the Foundation for the Sorbian people (Stiftung für das sorbische Volk) by over 12 %. Similar cutbacks have been made in Frisian-language education and cultural protection.
- Declining protection for the four indigenous linguistic minorities of Schleswig-Holstein – Danish; North Frisian, Romany and Lower German – have been raised as an election issue but interest has not been high.

Frisian and Sorbian are declining languages in Germany, spoken by a tiny fraction of the population. The protection of these languages is a very different issue to the protection of the language of any substantial national minority. The proactive protection of a national cultural heritage in Germany

can be seen as of little electoral concern to the country, where it is seen as of lively concern in Italy, for example.

MACEDONIA

- Albanian political parties in the Former Yugoslav Republic of Macedonia (FYRoM) actively pursue greater political and national rights for the Albanian minority. They demand Albanian be the country's second official language, in official use in dealings with the central government and Parliament and in local administration, and the right to secondary and higher education in their mother tongue.
- Albanian leaders call for proportional representation in the government, relaxation of citizenship laws (currently requiring 15 years' residence) and official use of the Albanian flag.
- Albanian names have to be transcribed into the Cyrillic alphabet, which is not always possible. All Police, Post Office, transport and government forms are in Macedonian. Local government meetings must always be in Macedonian, even in Albanian-dominated areas.
- Albanians make up 23% of the population. Ethnic Turks (some 4%) and Serbs (some 2%) also complain of governmental, societal, and cultural discrimination.
- The division between the two primary communities also permeates social life. Albanians mingle only with Albanians, Macedonians only with Macedonians. Shops, cafés and restaurants generally have either Albanian or Macedonian clients. Marriages between Albanians and Macedonians are extremely rare: the Albanians refuse to give their daughters to Macedonian men, for the "fear" or "risk" of assimilation. The absence of inter-cultural marriage is revealing of the mutual mistrust between the two groups.

Macedonia is a relevant example. With a quarter of the population nationalist and demanding, the majority ethnic nationals are defensive. Macedonia has so far avoided civil war. Were the Government more tolerant of language claims now would it worsen the ghetto problem, such that Albanians would be even less exposed to the Macedonian language and culture? Albanians have won the reputation of strident separatists. However they do face real problems with Cyrillic names, local government procedures and educative disadvantages.

UKRAINE

- The Constitution provides for the "free development, use, and protection of the Russian language and other minority languages in Ukraine." This compromise builds on a 1991 Law on National Minorities, which played an instrumental role in preventing ethnic strife by allowing individual citizens to use their respective national languages in conducting personal business and by allowing minority groups to establish their own schools.

- Nonetheless, some tensions exist:
 - Pro-Russian organizations in eastern Ukraine claim that their children are disadvantaged when taking academic entrance examinations, since all applicants are required to take a Ukrainian language test;
 - Romanians call for university-level instruction in Romanian or the establishment of a Romanian technical college. There are 86 Romanian-language schools in the Chernivtsi oblast;
 - Ruthenians (Rusyns) call for status as an official ethnic group;
 - Crimean Ukrainians and Tatars claim they are disadvantaged by the majority Russian population;
 - Crimean Tatars returning from exile in Central Asia have been unable to gain citizenship or claim land restitution and have been distanced from regional government.
- The Ukraine government guarantees education (if not always instruction) in 18 National Minority languages and their unrestricted social use. Access to the judiciary in areas of NM concentration may be in their own language, and to the electronic media.

The government claims it is restricted by the financial burden of protecting so many NM languages. Together, the Ukrainian and Russian population accounts for 95% of the total, and it is possible to view the other 17 NM languages either as demanding a very high marginal cost or as representing a very small actual cost per language.

AUSTRIA

- Austria is a highly homogenous country (99,4% Austrian). It recognizes and defines 0,5% of the population as six national minority “official ethnic groups”, with other minority social groups not classed.
- Since 1995, the Center of Ethnic Groups of Austria (Österreichisches Volksgruppenzentrum) has submitted proposals at the Annual Assembly of the Council of the European Bureau for Less-used Languages in Trieste in April 2000 for a new fundamental law for minorities in Austria. The proposal includes the following, which should be prioritized and resolved:
 - Equal treatment for all the minorities in respect to legislation as well as the right for minority organizations to have due legal process and the right to sue in court is requested;
 - The guarantee to use one’s first and last name in a minority language;
 - Creation and improvement of bilingual education systems from kindergarten to high school level. Within this system a good teacher training service and training for kindergarten staff;

- Assurance of state budgeting for time on State TV and for private radio programmes and printed media in minority languages, plus adoption of rules concerning grants for minority languages and organizations;
- The ratification and implementation of the European Charter for Regional or Minority Languages as it pertains to all Austrian minorities. The implementation of the Framework Convention of the Protection of National Minorities.

With a National Minority population of about 50.000 in total (0,6%) Austria is commendably serious. An increase in budget allocation as proposed would not be a great financial burden, would be of considerable benefit and would be unpopular in the current political climate. This is an opportunity for politicians to rise above the limits of the electoral system.

ROMANIA

- Hungarians are by far the largest minority group, comprising 7,1% of the population, and up to 50% in some districts.
- Before the inclusion of the Democratic Alliance of Hungarians in Romania (DAHR) in government at the end of 1996, attempts to improve the situation of NM groups in the country were ineffective.
- The new Education Law, adopted on July 1 1999, partly satisfies the educational needs of ethnic Hungarians, allowing entrance examinations in the Hungarian language, study of the Romanian language in a special program in primary schools and, in regions with small settlements and scattered minorities, native-language classes below the established minimums. It grants churches not only the right to train the teachers they need but also the right to provide secular education as well, albeit in the form of private institutions.

Romania offers fairly minimal provision for the protection of her NM languages and cultures. The intent where protection exists is to assist in the retention of minority national identification.

SLOVAKIA

- The 1999 Law on the Use of Language amends some aspects of the 1995 Law, principally in the allowing NM language use in local authority areas where the NM population exceeds 20%. In practice, due to the wording of the law, it can be difficult to trigger the relaxation.
- There is no State requirement to budget for the changed status of a complying district, and no requirement for state officials there to speak the NM language. There is no relaxation of any other parts of the 1995 Law except that the Ministry of Culture can no longer impose fines by regulation. Restrictions remain within the Health Service, the media, and the army; in education, the Courts and commercial records.

- Slovak language policy was designed both to give the Slovak language a dominant position in the state and to promote the assimilation of non-ethnic Slovak citizens. In reality, anti-minority policies (or policies perceived as such) demarcated against NM citizens too greatly to allow assimilation.

The 1999 Law is seen as a strong signal of growing tolerance. Its limitations perhaps are not clearly understood outside the country, or it may be accepted that protection of NM culture has to take lower priority in an emerging economy. It is to be hoped that time will indeed bring lesser racial intolerance.

ESTONIA

- The citizenship policy in Estonia presumed the existence of a massive language-learning Program and financing for it. No such program came into being, the process of naturalization was slowed by the language requirements and the government was obliged to simplify them slightly.
- The government claims it provides 10 hours of state-paid “language consultations” to assist citizens preparing to take the language test. Not only can this be not nearly enough, but there is little evidence of the existence of the courses outside the capital.
- In the Presidential elections in Estonia over 40% of the population was unable to vote.
- Narva and Sillamae, predominantly ethnic-Russian towns, took part in a referendum on whether to declare the towns autonomous regions within Estonia. Well over 90% of those voting supported autonomy within Estonia. The Estonian government has declared the referendum illegal.
- The government’s direction is stated nevertheless to be towards integration rather than assimilation. It allocated 5.7 million EEK (USD 325,000) from the 1999 state budget for activities promoting integration.
- In 1998 representatives of the Governments of Finland, Sweden, Denmark, Norway and the United Nations Development Program signed an agreement on launching the project “Support for the State Project for Integration of non-Estonians into Estonian society”. The project cost was 1.34 million US dollars and its duration 2.5 years.

Integration may be stated to be the aim, but the means have been towards assimilation. The government is being forced by international assistance and, perhaps more strongly, by a deteriorating loyalty from its National Minority population to accept the former direction.

YUGOSLAVIA

- The minority problem is extremely politicized in Yugoslavia. The situation is generally described as one where, despite proclaimed principles of equality and non-discrimination, the ethnic minorities are more and more often facing suppression and discrimination, in Kosovo even acts of violence that could be categorized as genocide;
- Much of this situation is caused by psychological, political and propagandistic pressure organized by state institutions, parties, scientific and cultural institutions and combined with a very active media role controlled by the State;
- Yet within the Autonomous Province of Vojvodina, in extreme contrast to the Autonomous Province of Kosovo and Metohija, is an example of a markedly multi-ethnic community. The manifestation, preservation and promotion of ethnic affiliation and tolerance against the background of cultural and ethnic pluralism are its main characteristics;
- For example, just 1,844 Czechs are residents of Vojvodina, yet in one municipality the Czech language is in official use. In a large number of municipalities, several languages and scripts are used concurrently on an equal footing.

Does the peaceful coexistence of minority groups in Vojvodina show that the brutal violation of Kosovo's autonomy was caused by the fanatic resistance to integration of the Albanian majority in the Province? The same laws on language and education applied in that Province as in Vojvodina.

GROUP C2 Finland, Kyrgyzstan

THE COUNTRIES IN THIS GROUP ARE CHARACTERIZED BY:

- Two separate official languages, one a minority;
- Both languages protected by law.

NOTE ALSO:

FINLAND

- The new Finnish Constitution came into force in March 2000, defining both Finnish and Swedish as national languages and protecting the use of the minority language Sami;
- The 1922 Language Law (last amended 1975) defines the largely practical territorial (and institutional) restrictions on the use of either of the national languages. It establishes administrative units that can be either single-language or bilingual dependent on the number of

inhabitants using the other language. Thus, where less than 8% the municipality will be single-language, where equal or more than 8% or at least 3,000 people it will be bilingual;

- The 1992 Sami Language Law grants the right to use Sami in most dealings with local authorities and the Courts in designated areas of Sami occupation.

KYRGYZSTAN

- The 1993 Constitution declared Kyrgyz the Official Language of the State. Amended in 1995 and again in 1996, it first added Russian as a language for interethnic communication and then as a second official language;
- Ethnic Kirghiz comprise 52,4% of the population.

IMPLEMENTATION AND EFFECT

KYRGYZSTAN

- Kyrgyz was promoted as the State language but its general use had declined severely during the Russification of the country.
- According to the National Statistics Agency, in the period 1989-1996, around 600,000 people (generally Russian-speakers) emigrated.
- One of the most frequently mentioned reasons for migration was the language issue. This emigration caused a shortage of skilled personnel in many areas during the crucial period of transition to market economy. Ultimately this resulted in a dramatic decrease in industrial production, factory closures and mass unemployment.
- This in turn forced the Government to adopt extraordinary measures to rectify the situation. Following the 1996 amendment to the Constitution, Decree # 21 1998 defined Russian as an official language in any entity where the majority of members are Russian-speakers, in any sphere where use of Russian is "inevitable" (health care, technical sciences) and in those parts of the country where Russian speaking people comprise the majority.
- As a result, in the following years of 1996 and 1997, the level of emigration to Russia considerably decreased. The Russian language has been reintroduced again into all areas of the Kyrgyz society, both at the official and the non-official level.

In common with a number of countries attempting to impose a new official language on the population, Kyrgyzstan has been forced to step back from too ambitious a transition. It having done so relatively quickly and gracefully it is reported that Russian-speakers now actively participate in social and political life, accepting the need to adjust to the new reality of modern Kyrgyz society.

FINLAND

- Finnish and Swedish speaking citizens are in theory each guaranteed the use of their mother tongue officially, though Swedish-speaking citizens comprise only 5,75% of the population. In practice territorial and national population proportions partly restrict the availability of Swedish.
- The 7,000 to 10,000 Sami people in Finland have the right to use of their language in many local and state governmental and institutional situations.

Finland gives a positive example of the use of minority language in a controlled legislative environment. No problems were reported.

GROUP C3 Belgium, Bosnia & Herzegovina, Switzerland, Russia, Spain, India

THE COUNTRIES IN THIS GROUP ARE CHARACTERIZED BY:

- Three or more official languages divided by district or territory (Belgium, Bosnia & Herzegovina – 3, Switzerland – 4 (3+1), Russia – 1+ the language of each Republic, Spain – 1+5, India – 18+1);
- The local language is dominant locally but limited elsewhere. There is generally a national lingua franca.

NOTE ALSO:

BELGIUM, SWITZERLAND

- Each canton (CH) or community (B) has its own language. Children study the language of the region as their first language. Public administration of each territory is in that language, with provisions – either State or Local – for the country's other official languages.

RUSSIA

- Each Republic may decree its own local language. 14 of the 21 Republics have issued Decrees on Language. All State Institutions still use Russian alongside the state language; Russian remains mandatory at secondary schools and is the language of interstate communication.

INDIA

- Each State may adopt its own local language. There are 18 official languages plus English used over the 25 states. It is planned to substitute Hindi for English as the future lingua franca, but currently English is the official language of interstate communication and government publication.

SPAIN

- Five territories have adopted their historic language by Statute. Two historic languages are still not recognized as official (Asturian and Aragonese). In each, Spanish and the local language must be co-official, granting inhabitants the right to choose their language of communication and education. All official publication and administration is thus effectively bilingual.

BOSNIA & HERZEGOVINA

- Within the two territories of BiH (Republika Srpska and the Bosnian Federation) citizens have the District and State Constitutional right to use any of the three community languages of their choice. All official publication and all education must in theory be available in all three.

IMPLEMENTATION AND EFFECT

BELGIUM

- Funds for teaching in each language are appropriate and adequate. That the government does not seek to encourage mutual understanding between the language groups is a pan-Belgian problem involving all three national languages.

Disadvantages appear not only in the complexity of administration, but also in the establishment of a language ethnicity and identity that separates rather than assimilates or integrates citizens within the national whole.

BOSNIA AND HERZEGOVINA

- There is little difference (5-10% in total – less than between American and British English) between the Croatian, Bosnian and Serbian languages, but over the past decade the basic function of language as a means of communication has been set aside in favor of its function as a symbol.
- A current issue in the field of education is of the possibilities and obstacles leading up to a common education system for Bosnia and Herzegovina.
- A good example of how things work in practice is the fact that the Official Gazette of Bosnia & Herzegovina is published simultaneously in three languages and two scripts and the Official Gazette of the Federation of Bosnia-Herzegovina in two languages.

The use of language as a political weapon has intensified inter-ethnic tensions and the differentiation between peoples, costs the government huge sums, divides future generations and increases tensions. The 90% who argue about Bosnia & Herzegovina's languages know nothing of the subject, but merely fear the names associated with them.

SWITZERLAND

- There is no outstanding language problem. But neither is there an ideal situation. Cantons are able to decide which language(s) shall be used within their territory. This unwritten principle is called the

Territoriality Principle. In fact it conflicts with the right of the individual citizen to use his/her “mother tongue” in all spheres of life.

- Because the Swiss Confederation does not control education matters, both Italian and Romansh speaking people must learn German and French if they want to communicate with the other communities.
- Pupils in the German and French part of Switzerland study Italian as a language in the Swiss confederation, but only at a basic level. Italian is disappearing from banking, trade, government and the mail.
- The balance amongst the (official) languages of the communities, which has been partially attained on their political and federal administration levels, has been lost. There is a real threat that Swiss minority cultures’ languages will be marginalized.

Switzerland has taken the principle of territorial language to the extreme. Allied with central government disinterest this has lead to loss of cultural identity for even major NM language users, and offers nothing to minor NM language users.

RUSSIA

- Article 26 of the Russian Constitution (1993) declares that everyone shall have the right to determine and to state his national identity. Everyone shall have the right to use his native language, and freely to choose his language of communication, education, training and creative work. The State Language is Russian and each of the 21 republics of the Russian Soviet Federal Socialist Republic (RSFSR) has the right to institute its own State Language.
- At present 14 out of the 21 national republics have issued Decrees on Language. In the 1990s, many non-Russian ethnic groups have issued laws or decrees giving their native languages equal status with Russian in their respective regions of the Russian Federation.
- By the mid-1990s, some 80% of the non-Slavic nationalities or 12% of the total population of the Russian Federation did not speak Russian as their first language.

This system can point to a parallel danger in the US that the State’s primary language is lost by NM groups, who then lose their national identity.

SPAIN

- Spain’s Constitution recognizes the languages of the Autonomous Communities as official within their territories by Statute.
- In Catalonia (and other communities) Statute(s) stipulate the use of Catalan as the official language in local government and administrative offices, regional courts, publicly owned corporations, and private companies subsidized by the Catalan regional government. Spanish-speaking citizens retain the right to be dealt with by public officials in Spanish. The legislation also establishes

minimum quotas for Catalan-language radio and television programming.

- In Galicia the 1982 Statute protects Galician as a co-official language, supplemented by the 1983 Galician Language Standardization Act. Popular pressure to enhance the implementation of the legislation seems not to be overwhelming.
- Neither Aragonese nor Asturian are recognized in their Community Statutes of Autonomy as co-official languages. Although the Statutes state that the language must be protected and promoted, there has never been any real political favor for providing for co-official language status in either community.
 - The Statutes for the Basque Country and for Navarre recognize Basque (Euskera) as a co-official language. In Navarre implementation is less wide than in the Basque Country.
- Regional governments in Spain, which do not have any jurisdiction in justice, have long been critical of the reluctance of the judiciary to demand the use of regional languages in courts.
- Seventy per cent of Basques say they live in constant fear of the violence. According to a recent University of Basque survey, almost a third of young Basque people between the ages of 18 and 25 would leave the Basque country to work elsewhere on equal terms. Many of the respondents were students who have been taught in Basque schools and represent the larger part of the Basque speakers among the young. If renewed violence in the Basque country does lead to an exodus of graduates, the region would face a brain drain with serious consequences for the future of the community and the language.

The Spanish Government encourages active regional languages and is disinterested in marginal, passive, languages. It keeps regional languages from central institutions like the Judiciary. Its sponsorship of the Basque language (1,6% of population) is forced by the violent fervor of the community.

INDIA

- 75 “major languages” out of a total of 325 languages are used in Indian households. The Indian Constitution recognizes 18 official languages (Scheduled Languages) and English still continues to serve as the lingua franca, for Interstate communications and as the language of prestige.
- The medium of instruction in schools is accepted to be the regional language. However most Universities use English in order to avoid restricting students’ interstate mobility.
- At present, the three-language formula is the accepted format in schools. The student learns the local language, English and Hindi (if he or she is from outside the Hindi belt).

- At present, the Government of each State is in the process of adopting the regional language as the medium for administrative purposes. The need for a suitable language for communication inter-State, with and within Central Government remains.
- At present, English is used as the medium for inter-governmental and inter-regional communication solving most of these problems. Eventually English will be replaced as the pre-eminent language, most likely by Hindi, although Sanskrit is also competing for this status on a national level.

India is extreme in the number of official languages and is not so wealthy that this is an easy burden. "Non-scheduled" and "Non-major" NM languages throughout the country therefore are neglected. Note the problems arising from the need to encourage mobility of labor and the need for a lingua franca.

GROUP D1 Algeria, France, Poland

THE COUNTRIES IN THIS GROUP ARE CHARACTERIZED BY:

- A single mandatory official language;
- Repression of minority languages in various ways

Note also:

ALGERIA

- The 1976 (1996 Amendment) Constitution declares Standard Arabic the Official and National Language;
- The 1991 (1996 Amendment) Law on the Use of Arabic Language requires, under penalty, that standard Arabic be the sole official language, the only language permitted for use by the Judiciary, the media, in business, in education, the Health Service and all aspects of public life. The use of Berber or French in any public capacity is banned.
- 19% of the population is Berber and uses the Amazigh language (in a number of forms – it is still un-codified). Protests for the right to use the language sparked the current civil war.

FRANCE

- The 1992 (Amendment) Constitution declares French the mandatory but non-exclusive language of the Republic;
- The 1994 Law on the Use of the French Language, supplemented by the 1995 Decree, the 1995 Order and various regulations, codifies and sets penalties for the protection of the language;
- France is signatory (May 1999) to the European Charter for Regional or Minority Language Rights but has not yet ratified it in law.¹

POLAND

- The 1997 Constitution declares Polish the Official language and grants freedom to ethnic National Minorities to maintain and develop their own languages;
- The 1999 Polish Language Act requires subject to penalty the exclusive use of Polish in all aspects of public life including public, local and institutional administration, throughout commerce, education and the health service.

¹ The main texts of the research offer important and relevant expansion to these brief notes on France

IMPLEMENTATION AND EFFECT

ALGERIA

- From the late 1960's the government of President Houari Boumediene decided upon complete Arabization as a national goal and began the first steps to promote the use of Arabic in the civil service and in education. Arabic was introduced slowly in schools. Only in the early years of the Bendjedid Presidency did Arabic begin to be introduced as the language of instruction in some grades and some subjects at the secondary level.
- Antagonism between Berbers and the Algerian government became explosive following the Tamazight Spring in 1980. The "Berber Cultural Movement" was created in opposition to the Arabization of the education system and the civil service under Bendjedid's government by decree. It accused the government of repressing Berber culture and called for freedom of expression, for recognition of the Berber (Amazigh) language as a national language, for respect for Berber culture, and for greater economic development of Berber homelands.
- In an explosive start to what has been termed "the dark decade" small groups of protesters were violently dispersed by the police and a number arrested.
- In 1998 language again became a cause for conflict when, in a move both ill timed and ill advised, the military backed government of President Liamine Zeroual brought the "Arabic Language Law" into force, making Arabic the only language allowed in public life. Berber anger swiftly climbed against the state and its Arabization policy. The divisions in the Algerian society were never more obvious.
- It remains undisputed that Government policy aims for the extinction of the Berber language and culture in the current state of civil guerilla war, and that the Berbers remain determined to continue the fight until the Amazigh recover their linguistic and cultural rights.

Algeria embarked on a peaceful road to a national identity until the start of cultural repression under President Bendjedid. Once started, the violent reaction and civil disruption was a foregone conclusion, with each fresh action and reaction worsening the situation. Algeria in the 1960s was the wealthy prime contender for the role of leader of the Arab world. In the 2000s it is a strife-torn nonentity.

FRANCE

- France follows an unusually determined single-language course for a Western European country. The use of French as the State language is mandatory over a wide range of circumstances. Its mandatory use is non-exclusive: another language text may be attached. The French must be at least as dominant.

- France's ten minority languages (three indigenous, five on border areas and two on French foreign territories) are in continuing decline. There is almost no State support for their protection or public use, despite polled public support.
- Immigrant languages (Arabic is the first language of 2,5% of the population) are not supported.

It is a requirement of any citizen of France that he protects and promotes the French language within and without the country. Neither the protection afforded the language, nor France's failure to ratify the European Charter on Minority Language Rights, have been criticized by the EU. The Breton, Corsican, Creole, Occitan and Oil minority languages are spoken by substantial regional populations but are being lost.

POLAND

- Poland has a largely homogenous population, with the most populous single minority (Ukrainian) representing 0,6% of the population.
- The European Union has warned Poland that her Language Act is contrary to European Union Law. It is very similar to French Law.

Poland's Language Law is as strong as any. Due to the homogeneity of the population and the lack of any indigenous minority ethnic group save the Roma it is not perceived as in any way repressive.

GROUP E1 Latvia, Syria, Turkey, Greece

THE COUNTRIES IN THIS GROUP ARE CHARACTERIZED BY:

- A single mandatory official language;
- Prohibition of minority languages to various degrees

NOTE ALSO:

LATVIA

- The 1998 Constitution declares Latvian the Official language;
- The 1989 Language Law, significantly amended in December 1999, requires under various penalties that Latvian shall be the sole language permitted for use by the Judiciary, the media, in business, in education, the Health Service and all aspects of public life. The use of any other language is outside the law;
- 30% of the population is Russian and, according to all our sources, only 57% of the population speaks Latvian.

SYRIA

- The 1973 Constitution declares Standard Arabic the sole official language.
- The Government has used its absolute authority to place limits on the use and teaching of the Kurdish language, exceptionally amongst the small percentage of indigenous National Minorities.

TURKEY

- The 1995 Constitution declares Turkish the sole Official language, allows for the prohibition of any language, and prohibits the use of any other language than Turkish as a language of instruction in schools;
- The 1994 Broadcasting Law permits TV and radio broadcasting only in Turkish (with minor exceptions);
- The 1982 Political Parties Law prohibits the use of any language but Turkish in written or spoken presentation of any kind, and prohibits the formation of any Party on ethnic grounds;
- In 1991 the 1983 absolute prohibition of the Kurdish language was lifted. It remains a highly restricted language.

GREECE

- The 1975 (1986 Amendment) Constitution makes no reference to the language of the country save that the text of the Holy Scriptures must be maintained unaltered;
- Through various legal measures the use of minority languages in Greece is banned, including of Vlach (Romanian), Macedonian and Albanian. Those who speak them are prosecuted;

IMPLEMENTATION AND EFFECT

LATVIA

- In 1989, Latvian had been declared the sole state language and all official business was to be conducted in Latvian. However, the 1989 law also contained certain guarantees for the use of Russian. The Language Law was scheduled to take effect in three years.
- Two months before it came into force, Saeima passed a number of significant amendments that changed its very essence. Although softened slightly under OSCE influence in September 2000, all but one clause where Russian was mentioned are removed. Moreover, the law establishes that all employees in state and private institutions, enterprises and organizations are to know and to use the state language, as well as other languages, to the extent required by their professional duties.
- For the purpose of this Law, any other language used in the Republic of Latvia shall be regarded as a foreign language. Employees of the State or private institutions, domestic or foreign specialists and members of any enterprise or company who work in Latvia must know and use the state language. All documents and bookkeeping, legal proceedings and army records must be in the state language. The same applies to broadcasting, media, place names and personal names, stamps and letterheads.
- All education shall be conducted in the state language. In parallel, the Law on Education dismantles the existing system of State secondary education in Russian and in other minority languages.
- State Language Proficiency Certificates are required for public or private employment and for citizenship. Citizenship is a requirement for a range of benefits and basic rights. Without knowledge of the State language no one has the right to be offered work or unemployment benefits and must lose his job upon failure at a State Language Inspection.
- This discrimination against non-Latvian speakers is furthered by a lack of State assistance or resources to enable the language to be learned, and by such petty regulations as that the loss of the Proficiency Certificate requires not its replacement but the re-taking of the examination.
- At the date of the information we have available, 28% of Latvia's population still had not been admitted to citizenship since the restoration of Independence in 1991. More than half of these were born in Latvia. Nearly a third of the population of Latvia, or 70% of the national minority population, are deprived of all political rights and of any effective representation or protection of their rights.

Latvia has alienated its Russian community and lowered its education and skill standards in the search for national assimilation by any means. The country now faces a collapsing economy, endemic corruption, civil unrest and international disrespect.

SYRIA

- The Government generally permits its national and ethnic minorities to conduct their own traditional, religious, and cultural activities. The Government's attitude toward the Kurdish minority, however, is a significant exception to this policy. Although it contends that there is no discrimination against the Kurdish population, it has placed limits on the use and teaching of the Kurdish language and on Kurdish cultural expression.
- The political system in Syria is of absolute authority in the hands of President Hafiz Al-Asad. No independent human rights groups are permitted, and in the 1960's this was used to justify the loss of Syrian nationality for some 120.000 Kurds.

Effective political opposition cannot exist in Syria and anti-regime manifestations have been very few. It is likely that underground unrest and support for Kurdish autonomy exist, ready for any government weakness, caused by targeted discrimination and intolerance including the loss of nationality.

TURKEY

- The Constitution does not recognize the Kurds as a national, racial, or ethnic minority, although they are in fact the country's largest ethnic and linguistic minority.
- There are no legal barriers to ethnic Kurds' participation in political and economic affairs, and Kurds are in many cases assimilated into the political, economic, and social life of the nation. However, Kurds who publicly or politically assert their Kurdish identity or publicly espouse the use of Kurdish in the public domain risk prosecution.
- Kurds currently migrating westward (including those displaced by the conflict in the southeast) bring with them their culture and village identity, but often little education and few skills.
- The issue is extremely sensitive, and the Turkish government for years has claimed that expressions of Kurdish identity were veiled attempts to break up the State.
- Successive governments since 1990 have sought to liberalize laws that are used to punish free expression. In place of these laws, however, the Anti-Terrorist Law is often used to punish free expression dealing with the Kurdish question. Although Turkey softened the Anti-Terror Law in 1995 and eased some restrictive articles of the constitution the same year, further attempts at liberalization regarding the Kurdish question fell victim to the

escalating violence. It remains prohibited to broadcast in Kurdish or to teach Kurdish in private or state schools.

It remains illegal to learn Kurdish in Turkey, yet one-third of Kurds living in the Southeast region of Turkey (and half the Kurdish women) do not speak Turkish. This causes problems in communication with the State, ranging from the practical, as health care, to the philosophical, as political understanding and confidence in the regime. It further has left a legacy of underdevelopment and poverty that drain the State's resources and lead ultimately to such open conflict as now exists.

GREECE

- Greece is unique in southeast Europe in that it does not respect or recognize any national minorities groups within its borders other than religious communities. Thus the Turkish minority is classified as the Muslim community in Thrace.
- The Greek government has pursued an active policy of "ethnic homogenization", complete assimilation, which weakens the identity of the national minorities residing in Greece.
- The use of Vlach (Romanian), Macedonian and Albanian in Greece is banned. Pomak and Roma have no legal or public presence and no written form of the languages exists in Greece.
- A legacy of the 1923 Treaty of Lausanne, the Turkish language in Western Thrace is the only de jure recognized lesser-used language in Greece. Some State education in the language is available to the community.

Greece seems not to attract much criticism for its prohibition of all minority languages save Turkish. Partly this is because it is a nearly homogenous country with only a 2% total national minority population, partly because it uses only legal means of repression, partly because it accepts religious definitions and champions assimilation.

SUMMARY

GROUP A

- A homogenous population;
- Single or multiple official languages with equal rights;
- The Law guarantees the development and preservation of a National Minority language and its use in administration, in education and in cultural organizations.

GROUP B

- A nearly homogenous population;
- One or two equal official State language, promoted and used exclusively in certain areas of everyday life;
- National Minority languages are not excluded from society but are not encouraged.

GROUP C

- One or more official languages, one being dominant, and often a national lingua franca;
- A Language Law for the National Minority language specific to a territory or to a population percentage in that territory. The minority language invariably lacks the status of a co-official language.

GROUP D

- A single mandatory official language;
- Repression of minority languages in various ways.

GROUP E

- A single mandatory official language;
- Prohibition of minority languages to various degrees.

NO GROUPING

- The grouping of these countries cannot easily be defined at this stage.

THE LANGUAGE DILEMMA

APPENDIX IV

No Grouping

NO GROUPING

The grouping of these countries cannot easily be defined.

Please note, however:

AUSTRALIA

- English is the official language, with linguistic diversity regarded as an important cultural and economic asset. The Government supports programs for developing Asian and European languages and special care exists also for indigenous languages.

CZECH REPUBLIC, DENMARK

- No Article in the Constitution of the Czech Republic and Denmark applies to the use of an official language in the country. The term “state” or “official” language is not directly defined by any provision of national legislation.
- With research results based only on how language is used in everyday life neither Country can be classified.

INDONESIA

- The Official language is Bahasa Indonesia.
- The population is not homogenous; the rights of the NM are not guaranteed or encouraged; in the Constitution the only official language of the country is the Indonesian language. The territorial or regional use of NM languages is not covered.
- 669 languages exist in the country. Bahasa Indonesia is spoken by more than 90% of households in Jakarta, but outside the Capital only 10 to 15% of the population speaks the language. In Javanese areas, only 1 to 5% of the population speaks it.
- Indonesia prohibits only one national minority language: Chinese. Both spoken and written Chinese (characters) are forbidden in public. This is a political matter strongly colored by social envy.

ISRAEL

- Despite that both Arabic and Hebrew are official languages, Hebrew is the dominant language for official, public and private use and is required of immigrants, whilst Arabic remains the language of the minority.

BURMA (MYANMAR)

- The Official language is Burmese;
- There is no constitutional provision for linguistic rights;
- Ethnic minorities make up about a third of Myanmar's population. There are 135 different ethnic groups and 100 indigenous languages;
- There is no territorial tolerance of NM languages;

- There is no available data on language legislation, thus no grounds for supposing or denying prohibition of minority languages;
- There is no available data on any degree of language repression, per se.

NIGERIA

- The Official language is English;
- The Constitution provides that the business of the National Assembly and the House of Assembly may be conducted in other State languages;
- Relations amongst the numerous ethnic groups (very often organized into political constituencies) remain problematic in such a diverse society, and one with around 470 spoken languages.

PAKISTAN

- The Official languages are Urdu and English;
- The Constitution states that Urdu shall be used for official purposes and will replace the English so used formerly. Other languages can be used in addition to national languages. Citizens have the right to preserve and promote their own language;
- Pakistan fails categorization because, although an essentially bilingual population with a single significant minority (Sindhi 12%), yet it is linguistically heterogeneous and no single language can be said to be common to the whole population;
- Pakistan adopted Urdu as an official language spoken by only 10% of the population. Urdu is bound to the Muslim religion and serves as a link among the worshippers, perceived as a requirement at the creation of the new State.

SUDAN

- The Official language is Arabic;
- Whilst guaranteeing the preservation of any community language, the Northern Muslim Government discriminates against ethnic minorities in every aspect of society.

UNITED KINGDOM

- The United Kingdom does not have a Constitution;
- Both legal status and protection for her regional languages are lacking. Not only for English, which is used by the majority of the population in spoken and written form, but also for the minority indigenous languages Gaelic, Scots, Cornish and Irish. The only legal protection is given in the Welsh Language Act, which treats the Welsh and English languages on the basis of equality.

THE LANGUAGE DILEMMA

APPENDIX V

Country Reports

REPORT ON THE U.S. ENGLISH FOUNDATION VISIT TO BOSNIA AND HERZEGOVINA

Attendees: Michael F.W.Walshe, European Representative, U.S.English Foundation

Mgr Júlia Grausová, Researcher USEF/WWEEDC

The visit was planned over May 27 to June 1.

Eight meetings were held with representatives of different opinions in today's Bosnia and Herzegovina. (See Advance Schedule.)

Introduction

An introduction to set the background to the meetings held is essential. Without some understanding of Bosnian inter-ethnic tension and its consequences or the unreality of the purported language problem, the purpose and records of the meetings would be obscure.

Summary of Findings

- Language use in Bosnia and Herzegovina is an extremely sensitive issue and remains highly politicized. A core curriculum in schools for the promotion of national unity and for the emergence of a national language is clearly unrealistic.
- There is no effective difference between the vocabulary, pronunciation and orthography of the three “languages” in Bosnia.
- The only current legislation on language in Bosnia demands full language tolerance.
- Ethnicity – the justification for the pro-active preservation of the three “languages” – is easily transmuted to nationalism in terms of gaining power and land resources. Language has become a vehicle for promoting “national” separation.

Bosnia and Herzegovina

The signing of the Dayton Agreement on December 14, 1995 put an end to three years of armed conflict and proclaimed Bosnia and Herzegovina [Bosnia] as a multi-ethnic independent State. In fact, the tensions remain unresolved.

Bosnia and Herzegovina is a country of distinct cultures and religions. Comprising two Entities, the Federation of Bosnia and Herzegovina [BiH] and the Republika Srpska [RS], the historically divergent orientation of the three major ethnic groups – the Bosniaks, the Croats and the Serbs – remains a barrier to integration at almost any level.

In Bosnia politicians have misused their power to convince their constituent people that the “other side” consisted not of the friends and neighbors they

had known for years but of genocides who would wipe them out if they were not destroyed first. Former U.S. Ambassador to Yugoslavia, Warren Zimmerman, characterized the situation as “nationalism from the top down” where each side’s actions were proclaimed as confirmation of the other side’s fears.

The Language

Language need not be a barrier to integration, despite politicians’ claims. There is a greater difference between American and British English than between the vocabulary, pronunciation and orthography of the three “languages” in Bosnia.

However, linguistic diversity has become symbolic of the identity of the three groups. Positive steps are being taken by the political leaders of the Bosnian Croats and Serbs to widen the language divergence and to proximate the dialect of their constituents to that of their neighboring political puppeteers, Croatia and Serbia. The tendency is to give this single language three different names (Bosnian, Croat or Serb), to forbid the use of synonyms from any other of the three dialects and to claim the different ethnic groups are unable to understand each other. The Croatian “Dictionary of the Excessive Use of Foreign Words in the Croatian language” has been officially imposed to provide newly composed alternatives to synonyms supposed to be from Serb or other dialects or languages.

One point of diversity is claimed as proof for all points: the existence of two alternate alphabets. Both, however, are available to the single language in any of the dialects. A Cyrillic variant, exactly transliterate with Latin, is in use in the Eastern Orthodox Christian areas and is recognized as an official script by the Constitution of the Republika Srpska. The Latin alphabet is used over the whole country and is recognized as official by the Constitution of the Federation of BiH.

At the April 1998 first seminar on the possibility of a common education system in Bosnia and Herzegovina the keynote speaker (Professor Josip Baotić, of the Philosophy Faculty of the University of Sarajevo) stated, “...in terms of the prime function of language – communication between peoples – each of these [the Bosnian, Croat or Serb dialects] is fully able to serve as a common language.” He went on, “However, [whichever language is adopted as common for education,] by the time they finish their schooling all Serb children will speak the Serb language and all Bosniak children the Bosnian language – this for no other reason than that, here, a Serb can constitutionally speak no other language but Serb, a Bosniak no other language but Bosnian and a Croat no other language but Croat.”

Education

The field of education has become the key arena for such politics. The history books of one group offend the other two. Further, “national subjects”, such as history but including literature and social studies, here represent a struggle for political control over three separate education systems.

Not only in “national subjects” does political division prevail, and not only within the land area of each entity: Bosnian Croat authorities, feeling isolated in Bosniak Sarajevo, refuse cooperation with their Federation partners even on common math and science curricula.

On March 21, 2000 an official forum of language experts in Sarajevo attempted to argue against “the insanity of separatist pressure” that leads to three education systems in a country of 3,5 million people. The forum recognized that “there is no problem with language itself but with language culture” where “a common state language is not the target, but [instead] care for an ethnic language”.

UN OHR pressure and the diplomatic skills of Dr Matei Hoffman resulted in the May 10 2000 Declaration of Commitment by the Federal Government to the reform of the parallel education system. Each Deputy Minister’s interpretation of the Declaration to his ethnic group constituents has been strikingly different.

REPORTS ON THE MEETINGS – FOREWORD TO THE FIRST GROUP

Because education is one of the most disputed fields of language use and intimately tied to the concept of a common state language, we interviewed the three **Ministers of Education**, representing the three entities of Bosnia and Herzegovina.

All three Ministers had recently signed the Declaration and the Implementation Plan proposed by the UN OHR and the Council of Europe on May 10, 2000. In it they had agreed (inter alia):

- “No longer to use education to divide and fragment the peoples of Bosnia and Herzegovina”
- To develop curricular modules that “preserve and develop [each community’s] own cultural and linguistic heritage”. Those are to be integrated in the curricula of the other constituent peoples, to “facilitate intercultural understanding and communication”
- To teach the Cyrillic and Latin alphabets as well as “the shared linguistic, literary, [religious and] cultural heritage of the three communities”

The Declaration stressed throughout that today’s school generation “must use Bosnia and Herzegovina as their country of reference”: must grow up to identify themselves with the State not the region.

Despite some shared references to the aims of the Declaration and to models for integrated education in multi-lingual countries such as Switzerland, our interviews showed unanimity only in one view: that the future of their children will be safeguarded solely within the EU, within “a Europe without borders”.

REPORTS ON THE MEETINGS – THE FIRST GROUP

Mr Fahrudin Rizvanbegović Federal Minister of Education, Science, Culture and Sport, explained the constitutional background that enabled the parallel education system. The Dayton Accord established thirteen valid constitutions within the BiH:

The Constitution of Bosnia and Herzegovina contains general provisions regarding the Croat, Bosniak and Serb national communities. It portrays a decentralized model for the organization of the State with a wide range of powers granted to the communities.

The Constitution of Republika Srpska and the *Constitution of the Federation of Bosnia i Herzegovina* are the only legal documents actually to deal with the use of official languages and alphabets in Bosnia and Herzegovina. Ten *cantonal constitutions* complete the framework. The twelve community and cantonal constitutions have devolved education powers.

Mr Rizvanbegović seemed to concur with the concept of developing curricular modules to a core curriculum whilst clearly upholding the need for three mother-tongue teaching languages. He would expect teachers in all communities to cover aspects of all communities' language and culture yet explained this as an adjunct to a curriculum core tailored to each community, rather than truly national. He could not agree with unification of the language; each tailored core would be in the community language. He supported the decentralization of school administration through to the cantons.

As a linguist he did not see any communication problems because the three community languages are 95% the same language.

Mr Nenad Suzić Minister of Education for Republika Srpska, declared acceptance of the concept of coordinating the three national curricula, but clearly he perceived this to be a practical impossibility, to say the least.

He explained that the use of a single State language may not be dictated, which requires both that each community language be the language of instruction and that all community languages are taught. Respect for the differences in each community, its language and its culture he believed vital within the borders of one country, but emphatically disagreed that a common, national, history for all three ethnic groups was possible. On the contrary he supported one history book per community group, each amended with appendices covering the histories of the other two sides. It was clear that he was concerned more about how to control the historic perspective of the other two sides than with the presentation of any divergent events.

According to the Primary Education Law children in RS learn the Cyrillic alphabet from the first grade and the Latin from the second grade of primary schools. This he felt exemplified the use of the modular approach. However it is further planned that from third grade every child in RS will soon have the opportunity to learn English. He doubted that this program, for which he has gained the support of the Oxford and Cambridge University Press, would be easily able to be spread to the BiH in a core curriculum.

The primary and long-term goal for the Ministry of Education in Republika Srpska is for the cultural unity of the Serbian people over the whole area of the former Yugoslav Republic. The development of the RS school system will be towards compatibility with European models but also with the Yugoslav Serbian education system. He insisted such syllabi refer to the Serb homeland, to its regional geography and to specific issues in the history of a particular region.

In RS the Ministry cannot accept any imposition from any source of any form of a centralized curriculum within Bosnia. Instead of forcing national textbooks on the communities, Bosnia would do well to permit competitive textbooks.

Mr Ivo Miro Joviæ Deputy Minister of Federation in BiH for the Bosnian Croat community, met us with his assistant Mr Markotiæ. He opened the meeting with an emotional description of the plight of the Croat people in BiH. Their position is very weak, they lack equality and they are financially deprived by comparison with the other two constituent peoples. Currently they lack sufficient schools whatever may be the curriculum adopted.

Mr Joviæ' position is only as a Deputy Minister for his community, he explained, with the same responsibilities but without the constitutional rights, without the power and the resources of the other two communities' representatives.

He insisted angrily that there are three different languages; the Croat language is that community's sole remaining "flag". Even that is deprived: no media exist for the Croat people. Whilst both men admitted that the difference between the languages is only 5%, Mr Joviæ swore, "I will kill to defend my language". The Bosnian Croat language they fear is threatened by extinction, a process that could only be hastened by the adoption of one standard language.

He confirmed that the funding and responsibility for education is a cantonal matter. He agrees with European Council advisors that (his quotes) "the opportunity and the long-term goal for education in Bosnia and Herzegovina must be towards a decentralized system where primary control over education – curricula, textbooks, teacher training, etc. – is held at the lower levels of the system." He continued, "This is the trend in many western European countries, where cultural diversity is seen as an asset and not as a threat or a means of political control." For him, this demonstrates that a core curriculum is an impossibility, that the concept is out of date, and that the maintenance of ethnic, community and cantonal direction is the only sound future for education in Bosnia.

REPORTS ON THE MEETINGS – FOREWORD TO THE SECOND GROUP

So politicized is the language issue in Bosnia that we sought to balance the Ministries' points of view with those of independent experts and of professional users of the language – the media.

REPORTS ON THE MEETINGS – THE SECOND GROUP

Ms Rusmira Ćamo is a journalist working with the independent news agency ONASA in Sarajevo. She confirmed that the language situation was not a problem as regards its use by ordinary people in everyday life. Post-war, people across the whole country face the far more difficult problems of recovering their lives. This is a common concern, and one vital to them.

The ONASA news agency receives information and news from the whole country and distributes it in the language in which it has been received. The Agency makes no distinction between the languages used, each of which is fully understandable throughout the country.

The Agency, however, transcribes into the Latin alphabet all Cyrillic articles not of very specialist interest. Moreover, the Agency has commissioned her to work on the production of a Style Book. She concurred that this was the beginning of the creation from the grass roots of a de facto common language, which may help undermine the politicization of the separate dialects into languages. As the only Agency of any position in Bosnia, the accretion in its articles of a common language style and vocabulary that figured large in the daily reading of the people could be a very strong influence.

Professors Josip Baotić and **Hlahlovic** of the Language Department of Sarajevo Philosophical Faculty are reputedly the leading language experts in Bosnia. Neither man held out any hope for a unified language in Bosnia: "We are the water between the fires of the independent States around us – we are no more than the reflection of their influence." Professor Baotić mourned.

For 150 years Bosnia has been reaching for a common language. That might have been dominated by the Serb dialect of the Southern Slav tongue, as the Bosnian Serbs have been long the majority. But even in the 19th Century the language variants were given nationalist names rather than names as dialects of a Bosnian language, primarily due to the Austro-Hungarian repression of the nation of Bosnia & Herzegovina. The First World War brought an upsurge of nationalism and the dialects became firmly labeled as national tongues. The 1992 war on partition reinforced the communities' differences and affirmed the old national language names. Words that used to be synonymous in each dialect, even if colored by their origins, were an accepted part of each during both men's school days. Now the synonyms are outlawed by "the politics of democracy", to the detriment of each language and its literature. The three standard languages that exist are official, though the right to use any still exists in the civil code (and see also below, The Law).

The Dayton Accords that ended the fighting may have reinforced the language differences, upon which the nationalist flags are pinned. This because, pre-war, the international agencies formalized, through working groups, the difference between the tongues. This was a part of their diplomatic effort with each of the peoples, making the use of the dialect an integral part of their dealings with each community. The Accords recognized this difference in language form, which resulted in the multilingual status of the nation and in the segregated education systems. "The UN may now be trying to de-segregate the education systems for the three communities," Hlahloviæ pointed out, "but at this stage they can achieve no more than a declaration that a student may identify with Bosnia & Herzegovina rather than only with his community."

Both men agreed, "Nothing except political pressure (which here means nationalism) prevents the three "languages" from being a normal, peaceful means of flexible communication. They are almost identical." "Bosnia cannot escape the political pressure and our language therefore cannot be given a common base." "We cannot afford to operate this country in three languages." "It would be a mistake to try to build a common education core curriculum now. The curricula we have are 90% in common, and with the worst excesses of nationalism pruned from the current textbooks all three standard programs could be affirmed. Let the children make their own choices. They are our hope for a more peaceful future."

Mr Ibrahim Èediae is Director of the Language Institute in Sarajevo, the State Institution charged with language research and especially with the possibilities for the creation (within the framework of scientific criteria) of a standard language in Bosnia.

One of the goals of the Institute is to give a scientific background to the new language situation here, where three standard languages are claimed to exist.

Currently they are working on an extensive project to create a new Greater Bosnian Language Dictionary. They face continuing problems in funding. Support from the Sarajevo Canton is promised only until the end of the year 2000, and State support is non-existent.

Mr Èediae expounded on the history of the creation of a standard Bosnian language. Details are on record, but in essence he explained that despite the composition and adoption of the first standard language in 1967 (a meld of the Serbian and Croatian dialects of the base Southern Slav tongue) regional differences molded specific different vocabulary and character to it from its start to its 1990 finish.

Four variants had been gradually created: Bosno-Herzegovian, Croatian, Serbian and Montenegrin.

The two largest communities within Bosnia had re-named their languages by 1990 as Bosnian Croat and Serb respectively; and in 1991 the Bosniak community restored their language name to Bosnian. A current popular movement, to speak "Bosnian" as a common tongue throughout Bosnia and Herzegovina, has its roots in Sarajevo and in the desire to defuse the politicization of the language differences.

REPORTS ON THE MEETINGS – FOREWORD TO THE LAW

One of our aims for this visit was to track down what was actually the Law in Bosnia on language. We visited both the Judicial Records department and the UN OHR in an attempt to clarify this.

REPORTS ON THE MEETINGS – THE LAW

At **the Ministry of Justice**, Judicial Records Department, we discussed in depth the current enabling legislation to the premises of the Constitutions.

Seemingly the only current legislation dealing with language policy and the use of language in education proved to date from the seventies. The "Dokumenti književnojezičke politike u SR Bosni i Hercegovini" (Documents concerning Standard Language Policy in the Socialist Republic Bosnia and Herzegovina) were carried through to the Federal Republic from the former Socialist Republic, and in principle they lay down that:

- The Official standard language must be named both Serbo-Croat and Croato-Serb and both teacher and student may freely choose to use the name that they want;
- Both alphabets, Cyrillic and Latin, are equal and whilst students can freely choose to use whichever they want yet teachers must ensure that students are taught both;
- Education in the schools is provided in the Ijekavian dialect and all books shall be published in this dialect. Whilst a student has the right to speak whichever dialect he wants yet he must have knowledge of the Ijekavian dialect.
- Educational institutions and schools shall give students the means to allow them to make a rational choice of dialect and script;
- Teacher and student have the right to decide which terms and orthography to use within the framework of the standard form.
- The principle of language tolerance shall be accepted.

Mr Claude Kieffer (Senior Education Advisor of the Human Rights/Rule of Law Department of the Office of the High Representative), confirmed the Constitutions to be the only true legal ground for law on language. The Constitutions were set up on the basis of the Dayton Accord, and they lack harmonization. Further, he concurred that it can be argued they are separatist in themselves. However, the real base for any legislation is Government Policy, formulated in Parliament and in the Council of Ministers. Circle 99's Alternative Council of Ministers is relatively well respected internationally and through the media here does bring some influence to bear in the formulation of policy. As yet, there is no provision in Constitution or Policy for the formation of a single official language.

On language, Mr Kieffer's office in the person of Mr Damir Gnjidiæ (Legal Department of the Office of the High Representative) was able to inform us that the Bosnian Croats use the 1942 Croat Dictionary in an attempt to retain and promulgate a pure form of the language, but that it is an unwieldy tool for them.

Post Script

"The common Serbo-Croat language, despite 150 years of tradition and 70 years of use within a single country, has never attained the essential goal for a standard language – a unified physiognomy¹. The creation [here in Bosnia] of these national communities has opened the door wide to the introduction of nationalist labels on a national language." (Professor Josip Baotiæ, 1998)

Glossary

The terms used in this report are as follows:

Bosnia	The nation of Bosnia and Herzegovina
Bosniak/c	Muslim adherent of Islam living in the Federation of Bosnia i Herzegovina
Bosnian	A citizen of Bosnia and Herzegovina
Bosnian (2)	The national adjective, as "The Bosnian peoples"
Bosnian (3)	The language name given to the dialect spoken by Bosniaks
Croat	The language name given to the dialect spoken by Bosnian Croats
Serb	The language name given to the dialect spoken by Bosnian Serbs

¹ *An aspect and character universally recognized by its users*

REPORT ON THE U.S. ENGLISH FOUNDATION VISIT TO LATVIA

Attendees: Mauro E.Mujica, Chairman and CEO, U.S.English Foundation
Mgr. Katarína Vargová, Researcher USEF/WWEEDC

The visit took place from May 1 to 5. This report is dated December 2000.

Eight meetings were held with representatives of different opinions in today's Latvian society. (See Advance Schedule.)

Introduction

Minority issues are controversial in Latvia where ethnic minorities constitute 43% of the population countrywide and the majority in six of the seven largest cities. The largest minority group is Russian, comprising 740,000 people (29.8% of the population), followed by Belarusian (4.2%) Ukrainians (2.7%), Poles (2.5%) and Lithuanians (1.6%). Minority issues are closely intertwined with citizenship issues, as 2/3 of all minorities in 1998 were not citizens of Latvia.

Language

Parliament had adopted a new State Language Law on December 9, 1999 and it came into force on September 1, 2000 (history of the language legislation can be found on the US-English Foundation web pages). The law stipulates that government bodies will receive documents only in the state language (or with a notarized translation) and makes the life of the Russian-speaking minority more difficult in many other ways.

For the public this situation is confusing because several important provisions have not yet been finalized. For example, the regulations governing language proficiency required for various posts leave unclear which posts in the private sector will be subject to the state regulation. A list of these regulations should be finalized by November 2000. Other provisions, such as on the business names, will come into force only in January 2001, when a new Law on Commerce is adopted.

Citizenship

The lack of progress in liberalizing the 1994 Law on Citizenship and the slow pace of naturalization meant that in 1997 there were 687,000 registered non-citizens in Latvia, constituting 28% of the population. The law barred non-citizens from political office, as well as from voting and purchasing property, and it excluded them from social guarantees equal to those of citizens.

Naturalization, requiring applicants to pass language and history examinations, was to take place according to a complicated timetable that began in 1996 and should be finished by 2003.

This timetable or "window system" was criticized by the international community and local human rights advocates as an unjustified slow down of the pace of

naturalization. All attempts to amend the law had been blocked in Parliament. By the end of 1997 only some 7,500 non-citizens had been naturalized.

Amendments to the Law on Citizenship were approved in a referendum on October 3 1998 that came into force in 1999. They led to a large jump in the naturalization rate of Latvia's approximately 600,000 stateless "non-citizens". On February 2, 1999 the Cabinet of Ministers adopted implementing regulations regarding the procedure for registering stateless children as citizens of Latvia and the testing procedure for physically disabled persons. The abolition of the age timetable or "window system", which had prevented many qualified applicants from naturalizing, led to an increase in applications to a monthly average of more than 1,500 at year's end. In 1999 12,429 persons received citizenship by naturalization, which is more than the combined total of the previous four years. In order to do away with the long queues that had formed in Riga and to cut down the time lag between application and the grant of citizenship, the government in April 1999 allocated additional funding to expand the staff of the Naturalization Board, the bureaucracy that administers the law. However, at year's end, the parliament failed to allocate the requisite funds to the Naturalization Board in the 2000 budget.

On March 30, 2000 the Saeima adopted progressive amendments to the Law on the Status of Those Citizens on the Former USSR who are not Citizens of Latvia or Any Other State. This governs the legal status of Latvia's stateless "non-citizens", still some 25% of the population. The amendments explicitly state that non-citizens enjoy all human rights enshrined in the Constitution and that they have the right "to preserve their native language, culture and traditions within the framework of national cultural autonomy." Whilst the practical impact of the law is likely to be minimal for the time being, the move weakens the position of those who wish to limit the application of minority rights to citizens alone.

Education

In implementing the 1998 Law on Education, the Ministry of Education and Science developed four bilingual models in 1999 and offered them to schools with minority languages as the basic language of instruction. Schools were to implement the model of their choice by September 1999. However, by year's end, it became apparent that full implementation of the Law on Education would be difficult in the time period foreseen due to a shortage of human and material resources.

The complete change of the school system in Latvia is scheduled for completion before 2004.

From June 1 1999, education in Latvian state schools is conducted only in Latvian. The new law permits special educational programs for ethnic minorities in foreign languages, but it also binds the Ministry of Education to list the subjects that non-Latvians must study only in Latvian. Under this law secondary education certificates cannot be given without a Latvian language test. In addition examination to prove professional skills and theses for scientific degrees are given only in Latvian.

Summary of Findings

- The language issue in Latvia is one of many such for which there is no simple solution. The Latvian language is thought to need the protection that only every day use can safely guarantee. The Latvian government's concern is that to give Russian language official status would be to allow monolingual Russians but to require bilingual Latvians. This concern is heightened by the Russian majority even now present in the two biggest cities, Riga and Daugavpils, where ethnic Latvians number only 39% and 15% of the population respectively. This is one of many reasons given for having such a strict language policy as exists in Latvia.
- The Latvian language was itself discriminated against during the period when Russian was widely spoken through the whole territory. Latvian was considered to be a lower class language by the dominant Russian population.
- On the other hand, whilst Russians constitute 29.8% of the population, their language, according to Article 5 of the Language Law, shall be regarded as a foreign language.
- Allied to language, citizenship is also a very sensitive issue in Latvian society. Russians perceive the policy of the government as oppressive, as stating obligations instead of offering options. They feel insecure about their position in Latvia, but having lived there for years, for generations, find it difficult to leave. Nevertheless, 150,000 have done so in the ten years since independence.

Conclusion

The Russian minority issue appears to be more acute in Latvia than in either Lithuania or Estonia. The non-Latvian peoples of Latvia make up nearly 43% of the population (though this is shrinking somewhat, partly due to emigration and to the return of Latvians who had fled Soviet rule). This large minority does not pose a separatist threat, as in Lithuania and Estonia, since the minority population has no large geographical concentrations.

Some laws passed by the Saeima, such as a series of laws requiring small business owners, teachers, public servants, and police officers to be fluent in Latvian or face forced unemployment, have been seen as a threat to Russians in Latvia. The Russian community considers the State Language Law and The Law on Citizenship as a tool to force its members either to assimilate or to leave the country. These feelings of insecurity are reinforced by the fact that on May 11, 2000 the Saeima rejected a draft bill to ratify the Council of Europe's Framework Convention for the Protection of National Minorities, which Latvia signed in 1995. Only 15 deputies voted for ratification, 21 were against and 52 abstained. While deputies mentioned a number of technical obstacles (e.g. the quality of the translation of the convention, the absence of a minority definition), the real obstacle is the incompatibility of a number of legislative norms, particularly in the realm of language policy. Turkey and Latvia are the last remaining EU-candidate countries that have not ratified the Framework Convention.

REPORTS ON THE MEETINGS

Mr. Muiznieks, Director of the Latvian Center for Human Rights and Ethnic Studies characterized this situation with the words “the government could have used either a carrot or a stick in their dealing with minorities”. To 1996 they used the stick; punishing and fining any who did not speak Latvian. Before independence, 1,000,000 inhabitants did not communicate in Latvian at all.

The Russian army withdrawal was complete by the end of 1994, but in fact there was some uncertainty at the time about the exact number of Russians who finally stayed in the country. When the situation had stabilized the government had to introduce new laws dealing with language, citizenship and education.

In education, there is a rapid decline in the demand for Russian, mainly caused by the fact that many Russians left the country after independence. Moreover: every fifth Latvian marriage is mixed; all the universities function in Latvian; and by the year 2004 all state schools must use only Latvian as the language of instruction.

Mr. Muiznieks considered the Law on the State Language to be a compromise influenced by international involvement. He saw the need to add further regulations and limits on the extent of permissible government interference.

Furthermore, the government must solve the problem of how Russian speakers can afford the necessary authorized translations of documents, considering the very high level of unemployment amongst them.

The older Russian community is separated not only from the previous “Soviet Union” and from Latvian society, but even from their children, who are very often bilingual. According to a recent survey 80-90% of Russian children can speak Latvian but the same can be said only for about 40-50% of their parents.

To find out more about Russians and their position in the Latvian society we met with **Mr Astakhov**, the President of the “Russian Community in Latvia”, the biggest Russian non-governmental organization in Latvia.

He opened by pointing out that in 1991, 75% of the population, both Latvians and Russians, voted for independence. Of the more than 1,000,000 Russian speakers living in the country at the time, 410,000 were ethnic Russians whose families came to Latvia in the 18th century when Latvia was a part of Russia. 20-30% of the total had stayed on after the Second World War.

The situation changed after independence, when suddenly no one was taking responsibility for the destiny of Russians in Latvia. The Soviet Union simply did not have the capacity to take care of all its former citizens. Latvia's attention was centered on solving other crucial problems in those times.

Such slogans as “Latvia for everyone” and “Freedom for us all” were changed to “Latvia for the Letts”.

The Russian community began to suffer deprivation: it lost its headquarters building in the center of Riga; the new “alien passport” was introduced; Russian schools were closed; the State Language Law was adopted; and a host of similar events gave the members of the Russian community the feeling that they were no longer welcome in the country.

More than 60,000 Russians are alien passport holders. Although some of them would pass the naturalization process, they refuse, as conscientious objectors to the policy.

The percentage of Russians that have some knowledge of Latvian has increased from 22.2% in 1989 to 50% nowadays. Still there is disapproval of the existing Language Law, which is considered to be a law not just to deal with language but a tool towards ethnic cleansing.

On the other hand we had met with **Mr Abikis**, Center-right Parliament Deputy, head of the Commission of Education and Science, the Commission responsible for writing the Language Law. He presented a very different opinion on the position of Russians in Latvia. For him the most important thing was to protect the Latvian language and to support the fact that every Latvian citizen can be kept informed and can live their daily lives in Latvian.

He also stressed the view that, had they remained a part of the Soviet Union, Latvians would have been themselves assimilated and their language would have disappeared. The government therefore felt justified in the introduction of new laws to encourage the use of the language in the country.

Young people are the center of government attention because their integration into society is considered to be the most important. The Education Law provides for this process of integration. As already stated above, all State Schools in Latvia must use Latvian as the language of instruction by the year 2004. Students of private Russian schools similarly must have a command of Latvian and, the older the child, the more subjects he should be taught in Latvian.

The changes in language use in Parliament may be seen likewise as an interesting marker. Before the Second World War, Russian and German could also be used in the Saeima. Now, however, all Members must speak Latvian sufficiently well to communicate freely. Documents could be submitted in four languages – Latvian, Russian, German and English –only to September 2000, when the new State Language Law came into force.

Mr. Abikis admitted that the government still needs to work on some regulations and the state must set up clear rules for language use.

Ms. Druviate, Professor of socio-linguistics and Head of the Latvian Language Commission of the State Language Center, supported the above and added that Latvians have a minority complex caused the period of Russian dominance in the country. Although ordinary people do not see the necessity for having the Language Law, because only 14% of Russians and

Latvians observe any language based problem, she emphasized the importance of the existing law for the future development of Latvian.

Both she and **Ms. Priedite**, Director of the National Program for Latvian Language Training, agreed that certain enabling regulations are missing and also that it is essential to make the law clearer to avoid difficulties in interpretation. The National Latvian Language Training Program, adopted in late 1996, can be termed a success. The gradualist program, which prepares Latvian language textbooks, trains teachers, and initiates Latvian language courses for specific target groups have attracted considerable minority participation. Moreover, in 1999 the NPLLT continued to train minority professionals whose career opportunities are threatened by poor Latvian skills, including minority school teachers, medical professionals, Interior Ministry staff (police, fire fighters, prison guards), railway workers, as well as various marginalized groups, such as disabled persons. In 1999 the NPLLT worked closely with the media, creating radio programs and video films.

Conclusion

According to the State Representatives, the situation in Latvia suffered comprehensive last minute changes in the period leading to 1991. Latvian language was effectively pushed out of public use. Russians had their own schools, newspapers, broadcasting and TV channels, so for them it was not important at all to study Latvian. Indeed, 64.2% of all non-Latvian inhabitants claimed to be monolingual in 1989. On the other hand, Latvians could speak Russian (65.7% claimed to have be conversant in Russian as a second language) and to survive in such a "Russified" society they could speak Russian when necessary. However, immediately after the metamorphosis of Latvian society, Latvians felt their chance to give their language back its status and they decided to do it radically and without delay.

It will take at least one more generation to solve this problem and to sooth the emotions stirred up by history. The process of integration will continue and hopefully good interethnic relations that exist now between Latvians and Russians at a personal level will win over the tensions caused by the language difference.