

Regional and minority languages in Europe today

Council of Europe Congress of Local and Regional Authorities

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Summary

The report takes stock of the situation as regards the implementation of the European Charter for Regional or Minority Languages on the occasion of the 25th anniversary since its opening to signature and in light of new developments in our societies, including digitalisation. It underlines that local and regional authorities should be guided by the principle that diversity is an enriching element of society and that the protection of historical regional or minority languages constitutes the firmest protection of said diversity, with a positive outcome from both an economic and cultural perspective. It invites them to take measures, where and when possible, to consolidate and develop regional or minority language teaching and education in these languages in their regions.

The report also draws the attention of member States to the fact that in many countries austerity measures have resulted in cutbacks in education and in services provided to minority language speakers. It calls on member States to refrain from bringing the weight of austerity measures to bear on language policies. Noting that, regrettably, only 25 States have ratified the Charter and 8 have signed it, without ratification, it invites the remaining 14 member States to sign and ratify the Charter.

1 L: Chamber of Local Authorities/R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent and Liberal Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

RESOLUTION 424 (2017)²

1. The Congress of Local and Regional Authorities (hereafter “the Congress”), recognising the close relation between language and culture and in line with Council of Europe priorities, has long strived to support and sustain historical regional and minority languages as a mean to promote and improve Europe’s cultural wealth and traditions and linguistic diversity, and improve mutual understanding, based on the principles of democratic participation, cultural diversity and social cohesion.
2. The European Charter for Regional or Minority Languages (ETS No. 148), opened to signature in 1992, and which came into force in 1998, has been serving since then as the only legally binding European instrument specifically drawn up to protect and promote Europe’s historical regional and minority languages, which are defined as traditionally used within a State by nationals who form a group numerically smaller than the overall population.
3. Regrettably, as of 2017, only 25 European States have ratified the Charter, and an additional eight European States have signed it, without ratification. This means that 14 European States neither ratified, nor signed the Charter.
4. While the States themselves remain the parties to the Charter, local and regional authorities have a crucial role to play in its effective implementation. This allows regional authorities in States which have not yet signed nor ratified the Charter a margin of manoeuvre for spontaneous implementations of the principles under the Charter.
5. Reaffirming the grounding principles of the Charter that still hold true, both observations – collected during the past decades of the existence of the Charter, including best practices, challenges and tensions – and new developments in society call for a renewal of the methods used for the Charter’s implementation without prejudice to the continuity of its fundamental principles and provisions.
6. Observations and complaints collected from 1998 – when the Charter entered in force – show that ratification of the Charter by any State is not a warrant or proof of the effective protection of the historical regional or minority languages without an effective and consistent implementation in daily practice. Also, in some cases, some setbacks have occurred in the level of the protection of the regional or minority language. This highlights the importance of the different types of stakeholders

2 Discussed and approved by the Chamber of Regions on 19 October 2017, and adopted by the Congress on 20 October 2017, 3rd sitting (see Document CPR33(2017)02, explanatory memorandum), co-rapporteurs: Lelia HUNZIKER, Switzerland (L, SOC) and Anna MAGYAR, Hungary (R, EPP–CCE).

involved in the implementation of the Charter. Hence the role of the regional and local authorities is essential.

7. An effective implementation of the provisions therefore requires taking note of the dramatic social and technical changes digitalisation has brought about. Bearing this in mind, ten years after its Recommendation on language education on regional or minority languages, the Congress has undertaken to look at the contemporary application of the Charter in light of the new developments, in order to discuss local and regional authorities' renewed possibilities for action in this regard.

8. The post-2008 economic context has been clearly characterised by a shift in how policies supporting regional or minority languages are perceived. This has resulted in important cuts in education and services provided in minority languages. Although national authorities play a major role in these austerity policies (local and regional authorities rarely receive clearly identified budgets from the national level for the implementation of regional or minority languages), local and regional authorities should also be reminded of the major benefits that stem from protecting and nurturing cultural diversity, including linguistic diversity. Offering attractive conditions to regional and minority languages, while generally costing little, can act as a bulwark against work force or brain drain, by increasing the willingness to stay in the regions concerned. Furthermore, empirical evidence shows that multilingual regions offer higher incomes to both multilingual individuals and the region as a whole. Last but not least, higher levels of individual multilingual skills have been shown to boost creativity factors.

9. Local and regional authorities being front-line providers of public services, they should co-ordinate their action with their national authorities in order to adequately adapt the implementation of the Charter. Local and regional authorities should be fully involved and take steps to gain mandatory responsibilities and explicit entitlement from the governance level, in order to implement the processes which are necessary to their daily practice. Similarly, local and regional authorities need to be fully involved and have clear entitlement in order to successfully take into account the changes taking place due to digitalisation in the *modus operandi* of almost all sectors in society. These new developments provide both challenges and opportunities for protecting and nurturing Europe's cultural wealth and traditions, including linguistic diversity. Without withholding traditional support, local and regional public policies should take into account the digital sector as a means of supporting, in so far as possible, the use of regional or minority languages in education, judicial and administrative settings, in the media, in cultural activities, economic and social life, and transfrontier exchanges.

10. In light of the above, the Congress:

a. bearing in mind the European Charter for Regional or Minority Languages (ETS No. 148), Congress Recommendation 222(2007) on “Language education in regional or minority languages”, Recommendation 1773(2006) of the Parliamentary Assembly of the Council of Europe entitled the “2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards: need to enhance co-operation and synergy with the OSCE”, Congress Recommendation 364(2014) on The role of regional media as a tool for building participatory democracy, Congress Resolution 282(2009) on The digital divide and e-inclusion in the regions and Congress Recommendation 173(2005) on Regional media and transfrontier co-operation;

b. considering that:

i. member States of the Council of Europe should be guided by the principle that diversity is not only a fact, but an enriching element of society and that the protection of historical regional or minority languages constitutes the firmest protection of said diversity;

ii. in conformity with the ethos and provisions of the Charter which is characterised by an intercultural and multilingual approach, each category of regional or minority languages (official or not) must have its proper place in a democratic, inclusive society;

iii. while the States are the contractual parties, local and regional authorities have a crucial role to play in the practical implementation of the Charter;

c. invites local and regional authorities of the Council of Europe member States to:

i. call on their respective national authorities to sign and ratify the Charter, if they have not yet done so;

ii. call on their respective national authorities to guarantee local authorities explicit entitlement, full involvement and mandatory responsibilities, with clearly identified budgets in order to implement the processes necessary for daily practice;

iii. call on their respective national authorities to refrain from bringing the weight of austerity measures to bear on regional or minority language policies, since their impact on public spending has been proven to be minor;

iv. call on their respective national authorities to refrain from barring local and regional authorities from taking positive action within their competences for the promotion of regional or minority languages, and also, from short-sighted interpretation of

the protection of these languages, including the misconception that all protective measures are forbidden which are not specified separately and explicitly in law;

v. act in favour of the safeguarding of historical regional or minority languages, by facilitating and encouraging their use in speech and writing, in public and private life, as a key resource that needs to be nurtured because they are a benefit to the regional and local economy, creativity, vibrancy and well-being;

vi. meet the need for effective co-operation and interaction between local, regional and national governments regarding the protection and promotion of historical regional or minority languages, noting that a lack of clear division of administrative powers in relation to language issues risks hindering good practice implementation at the regional level;

vii. take measures, where and when possible, to consolidate and develop regional or minority language teaching and education on these languages in their regions, by offering attractive conditions (preferably via identified budgets), thereby contributing to the creation of a European space where regional or minority language education is systematically provided in a coherent fashion;

viii. ensure, when and where possible, that regional or minority language speakers are able to benefit from the new forms of distance-learning that exist by developing new applications that support the use of these languages and secure service provision in these languages, also in the digital realm, including by dismantling new digital borders;

ix. secure access to locally or regionally provided public services and procedures in regional or minority languages, including but not limited to health care and social services, the ability of public authorities to provide digital services in regional or minority languages being essential, given the rapid development of such services in society at large;

x. encourage and support public authorities at national, regional and local level to consult and co-operate with representatives of regional or minority language speakers in developing and implementing their language policies and language services;

xi. improve when pertinent, regional and cross-border co-operation in order to provide access to services using regional or minority languages in kin-States.

11. The Congress invites local and regional authorities of member States which have not yet signed and ratified the Charter, to adopt local or regional versions of it containing provisions which match their competences, and to make use of the Charter

and of the monitoring practice of the Council of Europe Ad Hoc Committee of Experts on Regional or Minority Languages in Europe as a body of best practices and practical examples on how to arrange conditions where historical regional or minority languages are protected and promoted.

RECOMMENDATION 410 (2017)³

1. Recognising the close relation between language and culture, the Congress of Local and Regional Authorities, in line with Council of Europe priorities, has long strived to support and sustain historical regional and minority languages as a means to promote Europe's cultural wealth and traditions and linguistic diversity, and improve mutual understanding, based on the principles of democratic participation, cultural diversity and social cohesion.
2. The European Charter for Regional or Minority Languages (ETS No. 148), opened to signature in 1992, and which came into force in 1998, has been serving since then as the only legally binding European instrument specifically drawn up to protect and promote Europe's historical regional and minority languages, which are defined as those traditionally used within a State by nationals who form a group numerically smaller than the overall population.
3. Regrettably, as of 2017, only 25 European States have ratified the Charter, and additional eight European States have signed it, without ratification. This means that 14 European States neither ratified, nor signed the Charter.
4. While the States themselves remain the parties to the Charter, local and regional authorities have a crucial role to play in its effective implementation. This allows regional authorities in States which have not yet signed nor ratified the Charter a margin of manoeuvre for spontaneous implementations of the principles under the Charter.
5. Reaffirming the grounding principles of the Charter that still hold true, both observations – collected during the past decades of the existence of the Charter, including best practices, challenges and tensions – and new developments in society call for a renewal of the methods of the Charter's implementation without prejudice to the continuity of its fundamental principles and provisions.
6. Observations and complaints collected from 1998 – when the Charter entered in force – show that ratification of the Charter by any State is not a warrant or proof of the effective protection of the historical regional or minority languages without

³ See footnote 2.

an effective and consistent implementation in daily practice. Also, in some cases, some setbacks have occurred in the level of the protection of the regional or minority language. This underscores the importance of the different types of stakeholders involved in the implementation of the Charter, and in particular, the role of the regional and local authorities.

7. An effective implementation of its provisions therefore requires taking note of the dramatic social and technical changes digitalisation has brought about. Bearing this in mind, ten years after its recommendation on language education on regional or minority languages, the Congress has undertaken to look at the to look at the contemporary application of the Charter in light of the new developments, in order to discuss the best course of action to be taken in this context by member States of the Council of Europe.

8. When setting costs against benefits, empirical evidence indicates that protecting and nurturing cultural diversity – including linguistic diversity – results in a positive outcome, both from an economic and cultural perspective. Although maintenance policies do have a cost, it is often quite over-estimated, and more than largely compensated by what is often referred to as the “diversity dividend”, multilingual regions generally benefitting from more wealth, and offering higher incomes to the language-savvy individual. In some cases, e.g. healthcare offered by using their mother language especially for small children, expenses related to such services are hardly comparable to their benefits.

9. However, in spite of now well-established data, many member States of the Council of Europe have engaged, since the post-2008 recession, in budget cutbacks directed towards education and services provided to minority language speakers. These cuts in spending point to short-sighted policies at the State, community and regional levels which are not only culturally harmful but also against the best interests – economic or otherwise – of the regions.

10. Regrettably, the European Union has withdrawn from most of its direct funding of schemes that support regional or minority languages. Nevertheless, one way to develop the resource base that supports the economy in the often remote regions where users of such languages reside is an active use of regional structural support offered by the States or by the European Union through their respective funding schemes. For example, the INTERREG projects of the European Union⁴ can be beneficial to the entire region, and also to regional or minority languages. Efforts in this direction are likely to develop pay-offs both economically and culturally, thus contributing to a virtuous circle for regional development. The protection of

4 See www.interregeurope.eu/

diversity in languages involves the necessity of re-entering direct funding of schemes of the European Union, that support regional or minority languages.

11. Public authorities need to adapt the implementation of the Charter according to the changes taking place in the *modus operandi* of almost all sectors in society due to digitalisation. These new developments provide both challenges and opportunities in protecting and nurturing Europe's cultural wealth and traditions, including linguistic diversity. Without withholding traditional support, local and regional public policies should take into account the digital sector as a means of supporting, in so far as possible, the use of regional or minority languages in education, judicial and administrative settings, in the media, in cultural activities, economic and social life, and transfrontier exchanges.

12. Local and regional authorities are front-line providers of public services; national authorities should therefore co-ordinate their action with them in order to adequately adapt the implementation of the Charter. Local and regional authorities should gain full involvement and mandatory responsibilities as well as explicit entitlement from the national authorities, in order to implement the processes necessary to daily practice.

13. In light of the above, the Congress:

a. bearing in mind The European Charter for Regional or Minority Languages (ETS No. 148), Congress Recommendation 222(2007) on Language education in regional or minority languages, Recommendation 1773(2006) of the Parliamentary Assembly of the Council of Europe entitled the "2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards: need to enhance co-operation and synergy with the OSCE", Congress Recommendation 364(2014) on The Role of regional media as a tool for building participatory democracy and Congress Recommendation 173(2005) on Regional media and transfrontier co-operation,

b. considering that:

i. in all instances, member States of the Council of Europe should be guided by the principle that cultural diversity is not only a fact, but an enriching element of society and that the protection of historical regional or minority languages constitutes the firmest protection of said diversity;

ii. the intercultural and multilingual approach of the Charter calls for each category of historical regional or minority languages being given their proper place and that the Charter is in no way directed against the need to learn official languages;

iii. any favourable provision in place regarding languages should not be negatively affected by the Charter, where certain languages or the minorities who practice them already enjoy a protected status defined in domestic law or under international agreement, the most favourable provisions should apply;

iv. the purpose of the Charter being to protect and promote traditional languages which have come under threat within the States where they reside due to historical reasons, the non-discrimination clause of the Charter needs to be not only respected but also supported by measures taken by member States;

c. asks the Committee of Ministers to invite those member States which have not yet done so to consider signing and ratifying the European Charter for Regional or Minority Languages, encouraging current and future State parties to deepen their commitments to the regional or minority languages;

d. calls on member States of the Council of Europe to:

i. act in favour of safeguarding historical regional or minority languages, by facilitating and encouraging their use in speech and writing, in public and private life;

ii. refrain from bringing the weight of austerity measures to bear on regional or minority language policies, since their impact on public spending has been proven to be minor;

iii. meet the need for effective co-operation and interaction between local, regional and national governments regarding the protection and promotion of regional or minority languages, as a lack of clear division of administrative powers in relation to language issues would put the implementation of good practices at a regional level under risk;

iv. guarantee regional and local authorities explicit entitlement, their full involvement and mandatory responsibilities, with clearly identified budgets, in order to implement the processes necessary for their daily practice;

v. take steps to highlight the necessity to protect language diversity in Europe and encourage local and regional authorities to maintain multilingual policies, by actively reengaging in the direct funding of structural schemes that support regional or minority languages, both at national and European level;

vi. refrain from barring local and regional authorities from taking positive action within their competences for the promotion of regional or minority languages, and also, from short-sighted interpretation of the protection of these languages, including

the misconception that all protective measures are forbidden which are not specified separately and explicitly in law;

vii. reconsider, and where appropriate increase, the protection level of the historical regional or minority languages, including the possibility of granting regional official language status, when necessary, in areas where the number and/or the proportion of users exceeds a certain level;

viii. take measures to consolidate and develop regional or minority language teaching and education on these languages in their regions, thereby contributing to the creation of a European space where regional or minority language education is systematically provided in a coherent fashion;

ix. develop better teaching methods in State language learning for minority students and promote regional or minority language learning among majority language speakers, ensuring speakers of those languages are able to benefit from the new forms of distance-learning by developing new applications that support their use;

x. fight the threat of “digital extinction” of regional or minority languages by supporting language technology development that takes them into account, including applications that are suited for local conditions and ensuring service provision in these languages, also in the digital realm;

xi. secure access to State-provided public services and procedures in regional or minority languages, including but not limited to judicial matters, tax and pension procedures, health care and social services, the ability of public authorities to provide digital services in regional or minority languages being essential, given the rapid development of such services in society at large;

xii. encourage and support public authorities at national, regional and local level to consult and co-operate with representatives of regional or minority language speakers in developing and implementing their language policies and language services;

xiii. secure, when pertinent, access to cross-border digital broadcasting and other services in a kin- State language to regional or minority language speakers, to sidestep the rise of practices such as “geo-blocking”, which constitute a form of new virtual border.

EXPLANATORY MEMORANDUM⁵

1. Introduction

1. The Congress of Local and Regional Authorities of the Council of Europe (hereafter the “Congress”) adopted Recommendation 222 in 2007⁶ on “Language education in regional or minority languages”, having long recognised the close relation between language and culture and strived to support and sustain regional and minority languages in order to promote linguistic diversity, mutual understanding, democratic citizenship and social cohesion.

2. It was this conviction which had led the Standing Conference of Local and Regional Authorities of Europe (the predecessor to the current Congress) to initiate in 1992 the European Charter for Regional or Minority Languages (ETS No. 148, hereafter the Charter). The text of the Charter was drafted by the Ad Hoc Committee of Experts on Regional or Minority Languages in Europe (hereafter “CAHLR”) established by the Committee of Ministers of the Council of Europe.

3. The Charter, the only legally binding European treaty that is explicitly drawn up to protect and promote Europe’s historical regional and minority languages, was opened to signature in 1992 and entered into force in 1998. At present it has been ratified by twenty-five states.⁷ Another eight states⁸ have signed it, without ratifying it as yet.

4. In its 2007 recommendation, the Congress invited all member States (that had not already done so) to ratify the Charter and take measures to consolidate and develop regional or minority language teaching in their regions, thereby contributing to the creation of a European space where regional or minority language education is systematically provided in a coherent fashion. This was in line with Council of Europe policies, which aim to promote multilingualism, linguistic diversity, mutual

5 This explanatory memorandum is based on the document prepared by the Council of Europe consultant Professor Dr. Tom MORING (Finland), professor at the University of Helsinki, in co-operation with Professor Robert DUNBAR from the University of Edinburgh (United Kingdom), Professor François GRIN from the University of Geneva (Switzerland) and Dr. Balázs VIZI from MTA TK Institute for Minority Studies (Hungary). The written contribution is available from the Secretariat upon request. A reflection group consisting of Congress members Dusica Davidovic, Vladimir Prebilic, John Warmisham and Youth Delegates Alba Alonso Biosca and Liam O’Driscoll has also contributed to the preparation of the report.

6 Congress Recommendation 222 (2007) on “Language education in regional or minority languages”: see link <https://wcd.coe.int/ViewDoc.jsp?p=&id=1144741&direct=true>

7 States which ratified the Charter: Armenia, Austria, Bosnians and Herzegovina, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Montenegro, Netherlands, Norway, Poland, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Ukraine and United Kingdom.

8 States which signed but not ratified the Charter: Azerbaijan, France, Iceland, Italy, Malta, Republic of Moldova, Russian Federation, the Former Yugoslav Republic of Macedonia.

understanding, democratic citizenship and social cohesion. It also echoed the approach taken by the Parliamentary Assembly of the Council of Europe (PACE) in 2006,⁹ whose members adopted a recommendation underlining both the importance of linguistic rights and diversity for societies and the media's contribution to promoting democracy and countering intolerance.

5. The Congress continued to maintain the issue on its agenda. In 2010, the Chamber of Regions of the Congress took up the subject by holding a debate on "Minority languages – an asset for regional development". In 2013 a joint seminar on the protection of regional and minority languages was held by the Congress and the French Senate. In 2014 the Bureau of the Congress adopted a declaration to promote regional and minority languages.

6. During the last decade, the Congress also examined the use of languages in the regional media. In 2014 it adopted Recommendation 364 on "The role of regional media as a tool for building participatory democracy", following up on its Resolution 282(2009) on "The digital divide and e- inclusion in the regions" and its Recommendation 173(2005) on "Regional media and transfrontier co-operation", where the Congress had called on member States to "support and encourage programmes produced in regional languages which play a particular role as a regional "lingua franca" and multilingual programmes focusing in particular on local and regional topics and participants, as an example of good practice".¹⁰

7. Today, 25 years after creating the European Charter for Regional or Minority Languages, and ten years after the Congress recommendation on language education, the Congress is ready to take stock of the situation since its last report in a larger context, examine the relevance and applicability of the Charter today in light of the significant technological and social developments, and discuss perspectives for future action by local and regional authorities in member States in order to promote linguistic diversity.

8. The rapporteurs propose to first look at the articles and main concepts (such as interculturalism and multilingualism) conveyed by the Charter, examine how tensions that exist between State languages and regional or minority languages can be dealt with in a manner that respects the core values of the Council of Europe, look at problem situations and good practice examples from different countries and regions, discuss the advantages of multilingualism (be it economic, political or cultural) and

9 PACE Recommendation 1773 (2006) entitled "The 2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards: need to enhance co-operation and synergy with the OSCE", www.ivir.nl/publicaties/download/IRIS_Themes_II.pdf

10 Congress Recommendation 174(2005) on "Regional media and transfrontier co-operation": see link <https://wcd.coe.int/ViewDoc.jsp?p=&id=866605&Site=COE&direct=true>

finally, look at the challenges new technologies have brought about that needs to be addressed by public authorities in their interaction with citizens.

2. The European Charter for Regional or Minority Languages (ETS No. 148)

9. The Charter stands out as a unique international benchmark through its ultimate goal to “protect and promote historical, regional or minority languages as a threatened aspect of Europe’s cultural heritage.” For this reason it not only contains a non-discrimination clause concerning the use of these languages but also provides for measures offering active support for them. The aim is to ensure, as far as reasonably possible, the use of regional or minority languages in education, judicial and administrative settings, in the media, in cultural activities, economic and social life, including health care and wide range of services, and transfrontier exchanges.

10. An essential aspect of the Charter is the focus on “users” of regional or minority languages. This approach is broad and inclusive, encompassing those, but not only those who speak the language; it includes also “non-speakers of a regional or minority language living in the area where it is used” by setting objectives and principles in order to enable them to learn these languages. By conceptualising things in terms of users of regional and minority languages, the application of the Charter in this sense is thus not limited to “nationals of that State who from a group numerically smaller than the rest of the State’s population”.

1.1 The lay-out of the Charter

11. The Charter consists of five parts, of which Part I states the general provisions, Part II its objectives and principles, Part III the measures to promote the use of regional or minority languages in accordance with specific ratifications of the State Party, Part IV the modes of its application, and Part V its final provisions.

12. Part I defines regional or minority languages to be languages traditionally used within a State by nationals of that State who form a group numerically smaller than the rest of the State’s population. It does not include dialects of the official languages, nor the languages of migrants (article 1). It can, however, apply to official languages which are less widely used on the whole or part of the State’s territory (as provided in Article 3).

13. The non-inclusion of migrant languages in the Charter is based on a consideration, made by the CAHLR, that these languages and their users live under quite different conditions, which gives rise to specific problems of integration which deserve to be addressed separately (if appropriate in a specific legal instrument). This specificity should however not be understood to mean that the best practices developed

within the Charter process cannot be applied to other contexts. It means rather that the Charter seeks to secure the development of the situation of languages and ensure that support to each historical regional or minority language is maintained.

14. In the preamble of the Charter, it is expressly stated that specific conditions and historical traditions in the different regions of the European States must be taken into consideration. The Charter, while not applying to recent migrant languages, does benefit users of regional or minority languages, irrespective of their ethnicity, i.e., including migrants and persons belonging to the majority population if they happen to be users of a traditional regional or minority language.

15. The Charter moves from the principle that any favourable provision already in place – at the time of ratification – regarding these languages should not be negatively affected by the Charter.¹¹ The Explanatory report explains this principle further by adding that where certain languages or the minorities who practice them already enjoy a status defined in domestic law or under international agreements, the purpose of the charter is clearly not to reduce the rights and guarantees recognised by those provisions.” And, where competing provisions exist on the same subject, the most favourable provisions should apply. Thus the existence of more restrictive provisions in domestic law or under other international undertakings must not be an obstacle to the application of the charter (see Explanatory report, para 53).

1.2 Inter-culturalism and multilingualism as core objectives

16. Multilingualism is an asset for the society. In the preamble to the Charter, the values of inter- culturalism and multilingualism are established as core objectives. This means that, the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them. As underlined in the Explanatory report, the relationship between official languages and regional or minority languages is not one of competition or antagonism, or setting unity against diversity The Charter deliberately adopts an intercultural and multilingual approach in which each category of language has its proper place.

17. Thus this legal instrument seeks to promote an understanding of the benefit of different languages on an intercultural basis. It is designed to be applicable in very different situations, such as meeting the urgent needs of languages that are close to being extinct (such as Cornish, Csángó or some of the Sámi languages) or those spoken by people who are suffering under poverty and are socially marginalized

¹¹ Article 4, para. 2 of the Charter states that “The provisions of this Charter shall not affect any more favourable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant bilateral or multilateral international agreements.”

(such as for example the Roma languages in many instances). It is also designed to meet the requirements of further development for languages that have a stronger institutional and /or resource base (such as Catalan and Basque in Spain, Welsh in the United Kingdom, or kin-state languages widely spoken as native languages, such as Danish in Germany, German in Denmark, Swedish in Finland); Finnish in Sweden, or Hungarian in Romania, Slovakia, Serbia and Ukraine).

18. The Charter, though not designed to be applied by juridical or quasi-juridical bodies as such, requires that the State Party incorporates undertakings that are ratified under the Charter in national legislation and in administrative practices and procedure. So, although the State is the contractual party, much of the implementation of the Charter in daily life will in practice require the positive involvement and authorization of the regional and local authorities in co-operation with the users of the languages in question. Thus, in the Rapporteurs' opinion, it is vital that ratification of the Charter appear as the first step; and it is necessary – as a next, implementation step – that regional and local authorities are entitled to act according to the written rules in the spirit of the Charter; furthermore, it should be a mandatory responsibility.

1.3 Coexistence of State languages and regional or minority languages

19. An important political duty for those who express views on the question of languages used within national boundaries in any country is to remind the public that languages are not to be pitted against each other. The defense or the protection of one does not mean the rejection of others. Idem for the Charter. It would be against both the fundamental ethos of the Charter and the principles expressly included in its text, to regard it as directed “against” other languages, be they official state languages or other languages or varieties of languages that may have a parallel presence.

20. In article 7, para 1, the Charter states that “the adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.” The Charter's purpose is to protect and promote traditional languages that, due to historical reasons, have come under threat within the States where they reside.

21. While minority language speakers are often bi- or trilingual and master also the official State language, in some cases there may be a need to develop better teaching methods in State language learning for minority students. Reversely, in areas where the Charter is implemented, the promotion of minority language learning among majority language speakers should receive public support. In any event, the promotion and protection of the official State language should not harm the position of minority languages.

22. The rapporteurs underline that, with regard to language policies in situations that give rise to tensions between States or between regions within States, the Charter offers a bench mark of best practice in its effort to maintain an open approach to inclusion, based on the promotion of multilingualism. Through an approach advocating peaceful and constructive relations between cultures, it aims to address tensions in existing States, regions or in situations where new State formations occur, as it happened in the Balkans or in the Baltic region in recent history.

23. For example in Slovakia, it has been noted that the State Language Act is seen as contradicting the Charter's principle to encourage and facilitate the use of minority languages in public life, and in some cases preventing their use."¹² Concerns with regard to the balance of languages have also been raised by regional or minority language speakers in Spain and Sweden. Recent developments in Ukraine on adopting a new legislative framework on language use in education have given rise to concerns in some member States with regard to the possible decrease in the regional or minority languages' protection level. The law on education relating to education in minority languages has now been transmitted to the Venice Commission for an opinion.

24. Regarding any concerns that have been expressed as regards the unwillingness of minority language speakers to acquire the official state language, it should be noted that this issue had been foreseen in the Preamble of the Charter, which notes that; "stressing the value of inter-culturalism and multilingualism and considering that the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them".

Examples of complaints from national delegations in the Congress and the Committee of Ministers of the Council of Europe

25. The Congress and other bodies of the Council of Europe have received complaints from some national delegations that draw attention to concerns such coexistence can give rise to with regard to how minority languages treated in kin-States or within a State itself, whether the country has ratified the Charter or not.

¹² Report of the Committee of Experts on the Charter (adopted on 4 November 2015) para. 4.

26. For example in February 2017, the Committee of Ministers of the Council of Europe received a complaint from the Russian delegation on an “ongoing discrimination of the Russian-speaking minority in Lithuania”. The complaint concerned the decision taken by the Vilnius City Council in 2017 to close down a Russian-language school (Stargorod). In the context of a school education reform launched in 2015, other schools had also been closed down (for example, Centro) which meant that some Russian schoolchildren had to attend schools with Lithuanian language only (at present there are 31 establishments where Russian is the school language).

27. Similar concerns have been expressed with regard to Latvia (where some 30% of the population consists of ethnic Russians) during a Congress debate, regarding the government’s intention to change the existing law on state-funded minority schools. Currently 60% of lessons are to be conducted in Latvian and 40% in a minority language; the intended modification purports to have all lessons are in Latvian, except for the minority language classes and ethnic culture subjects. This has given rise to protests.

28. In the context of multilingualism, the Congress has received complaints related to the use of French in municipalities “with facilities” in the suburb of Brussels which have been dealt with in CoE fact finding visits to Belgium. In 2013 the burgomasters of Linkebeek and Crainhem addressed a letter to the Congress complaining that the way Flemish authorities interpreted the laws on language hindered the participation of Belgian Francophone citizens in local political life. Later, in 2015, a group of municipal councillors from Crainhem, Drogenbos, Linkebeek, Rhode-Saint-Genèse, Wemmel et Wezenbeek-Oppem complained against the obligation on councillors to use Dutch in municipal council meetings and on citizens who participate in consultative bodies for local government, in spite of a Constitutional Court judgment (10 March 1998) expressly stipulates that this obligation does not extend to councillors.

29. A similar complaint was received from the Hungarian speaking minority in Romania. In 2014, in a letter addressed to the Secretary General of the Council of Europe, 44 municipalities located in the centre of Romania, raised the issue of the consideration of the use of Hungarian language as second official language of this region, besides Romanian. They claimed that any administrative reorganisation of their counties into a bigger region risks putting the Hungarian speaking population into a minority position, thereby violating both the provisions of the European Charter for Regional or Minority Languages and those of Framework Convention for the Protection of National Minorities. They asked for assistance in promoting dialogue between the government and the Hungarian speaking population. The PACE report and Resolution 1985 (2014) called on member States “to take into account, irrespective of economic motives, the added value of historic regions in terms of culture, language,

traditions and religions when defining/reforming the administrative and/or territorial structure/units of the country or of certain State institutions”¹³

30. Congress received another petition in June 2017, signed by more than 150 non-governmental organisations based in Covasna County, complaining of an alleged breach of article 10 of the European Charter for Regional or Minority Languages by the county Prefect, in that a county council document was drafted solely in Romanian and not in bilingual form as initially approved, thereby disregarding the right of national minorities to use their mother tongue in relations with the local public authorities.

31. In the above examples, Romania has ratified the Charter. But as the other countries (Russia, Lithuania, Belgium) have not yet ratified it (although Russia has signed it), the instrument cannot be formally applied; nor does the monitoring of the CAHLR extend itself to these States.

32. However, solutions to these kinds of questions could typically be discussed in the Charter process if the States were to be in the process of ratifying the Charter. This is why, in the Rapporteurs’ opinion, it is vital to reiterate the call to all member States to sign and ratify the Charter and take guidance from its provisions to resolve these issues through dialogue. Furthermore, in the Rapporteurs’ opinion, ratification should be followed by the involvement and authorisation of the local and regional authorities, which have responsibility for the implementation.

33. With regard to policies towards languages in situations that present tensions between states or regions within states, the Charter offers a bench mark of best practice in its effort to maintain an open approach to inclusion, based on the promotion of multilingualism. The Charter process allows for a constructive approach to tensions that surround peaceful and constructive relations between cultures, in situations such as those mentioned above.

1.4 Inclusive interaction between the State and territorial authorities: a process of dialogue

34. When State parties ratify the Charter they undertake, in accordance with its Article 2, to apply the general provisions of Part II to all the languages spoken within their territories which comply with the definition of regional or minority languages. Furthermore, in respect of each language specified at the time of ratification, they undertake to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter.

¹³ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=20772&lang=en>

35. The balance that needs to be struck between the undertakings of the more general and all-encompassing articles in Part II and the more specific undertakings that State parties can define under Part III requires special attention – particularly today, as the effective implementation of the Charter poses new challenges.

36. Part IV of the Charter outlines the reporting and monitoring process and defines the respective roles of the State parties, the users of the languages, the monitoring body (CAHLR), and the Council of Ministers of the Council of Europe. CAHLR works under the authority of the latter, to which it submits, on the basis of monitoring reports, a report which then, together with any comments from the relevant State Party, is made public by the Committee of Ministers.

37. The nature of the interaction between these actors is one of “process”. The Charter seeks to forge a basis for the progression of the situation of regional or minority languages through inclusive interaction. In its monitoring and assessment, CAHLR pays particular attention to such interaction (and to the development of those aspects that the Charter seeks to protect and promote) and how it is carried out in dialogue between a given State Party and the users of the languages.

38. This is where regional and local authorities come into the picture. They play a crucial role in the practical implementation process of the Charter, although the State is the contractual party. There are examples of successful activities and good practice on a regional and local level by State Parties who have ratified the Charter as well as spontaneous implementation of the principles under the Charter by regional authorities in States which have not (yet) signed or ratified the Charter. The latter is an important indication of the guiding role and bench mark value of the Charter, which formulates principles of best practice in the protection and promotion of linguistic diversity and also, through its transparent monitoring practice (all reports are publicly available) offers a rich body of examples on how to arrange conditions where linguistic diversity can thrive.

39. For example, in Spain (which has ratified the Charter) regional governments provide funding to cultural projects (museums, archives, libraries, theatres, cinema, festivals, popular culture and publishing) in regional or minority languages.¹⁴

14 Also in Spain, the Law of education 2006 guarantees the use of minority languages in all educative levels in bilingual communities. According to the 2006 State Radio and Television Act, the Corporation of State Radio and Television (RTVE) must promote territorial cohesion and Spain’s linguistic and cultural diversity; broadcast international radio and TV channels that disseminate the languages and cultures of Spain in other countries and promote the production of audiovisual contents in the languages of minority groups. National broadcasting coexists with regional and local state-funded radio and TV broadcasting in territories with own languages.

40. In Estonia (which has not signed or ratified the Charter) primary and secondary education is available in both Estonian and Russian. Universities have special language support schemes for students from Russian secondary schools. In the city of Tallinn, there is a Russian Drama theatre and community centres in municipalities host activities of minority cultural organisations. Concerning the media, there is a public radio channel in Russian and private radio channels in minority languages, mainly Russian.

41. Part V of the Charter identifies the formal procedure of signing and ratifying, including different aspects of the ratification process. Worthy of notice here is that States are encouraged to continuously develop their level of ratification and upgrade their commitments to the regional or minority languages. This has been done, for example by Germany in respect to Low German and Romany Sinti¹⁵ and by Sweden in its territorial extension of the protection of the Sámi and Finnish languages.¹⁶

42. In the same spirit, local or regional authorities are invited to adopt local or regional versions of the Charter containing provisions which match their competences and to apply them. This is possible also for non-States Parties. Examples from France and the Republic of Moldova, presenting how this can be done under the Charter, are given in the Biennial Report of the Secretary General of the Council of Europe to the Parliamentary Assembly 2016.¹⁷

3. Multilingualism as effort and asset: the cost of diversity

43. There is a rich literature on the different aspects of linguistic diversity. Research shows that this diversity comes with a cost (although this cost is mostly over-estimated: see below). Costs are then set against benefits that are both economic and

15 The 3rd CAHLR periodical report on Germany notes (par. 15) that in July 2005, the *Land* Government of Rhineland- Palatinate reached a Framework Agreement with the Central Council of German Sinti and Roma that reaffirms its commitments under the Charter under article 2 of the Agreement, and aims to apply Part III of the Charter to Romani in this Land.

16 The 5th CAHLR periodical report on Sweden (par. 22) notes that, while the Swedish authorities have not defined these areas precisely, they have nevertheless made substantial progress in respect of the territorial application of Article 10 (“administrative authorities and public services”); as well as in pre-school and elderly care. The number of municipalities now integrated in the administrative areas of Sami and Finnish has grown steadily, and Meänkieli has had one municipality added (par. 23). Pursuant to Section 6 of the Minority Act, the administrative areas for Finnish and Sami were extended on 1 January 2010 to include 18 and 13 additional municipalities respectively (see Section 6 of the Act). In the case of Finnish, this includes the two largest cities of Sweden, the capital Stockholm and Gothenburg.

17 See Application of the European Charter for Regional or Minority Languages, Biennial Report by the Secretary General of the Council of Europe to the Parliamentary Assembly. Doc 13993 (02 March 2016) page 8, section 3.2.2 on France, and section 314, page 7 on the Republic of Moldova (<http://semantic-pace.net/tools>).

cultural in nature. Examples of economic benefits for regions that are bilingual can be found in previous Congress documents such as the Chamber of Regions report to the 18th session of the Congress in 2010.¹⁸ In this document, Alsace and Wales were mentioned as regions that benefit from what is often referred to as the “diversity dividend”.¹⁹ Multilingual regions offer both higher incomes to the language-savvy individual and more wealth to the region.

44. More recent research both complicates the picture and points to further benefits and values that are set against eventual economic efforts that follow from maintaining linguistic diversity, as discussed below.

3.1 Economic aspects 1: costs exist but are overrated

45. There is a rich literature on the different aspects of linguistic diversity. Research shows that this diversity comes with a cost. A host of economic studies suggests that too much diversity, whether linguistic, ethnic, religious, cultural, or genetic, breeds institutional wastefulness, bureaucratic inefficiency, and corruption.²⁰ François Grin, in his 2016 article, section 7²¹ notes, “For this reason, minority language protection and promotion have been the object of criticism from various sides as an ill-advised policy carrying unjustifiable costs.” He cites criticism from sociolinguistics, economics, political scientist and researchers of normative political theory. He also refers to authors who “support minority language promotion, and more generally, diversity, on various grounds” for legal, sociolinguistic, educational, political, normative or economic reasons.

46. Speaking of efforts made to arrive at empirical evidence, however, costs for minority languages are mostly over-estimated. On the one hand, the provision of a minority-language service could conceivably be eschewed altogether in some cases. This is the case, say, for minority-language television programming. It is obvious that, if there were no such programming at all, the money invested in it would – of course – be saved. But then, as said, there would be no programming.

18 Minority languages – an asset for regional development, report to the 18th session CPR (18)3 22.1.2010, co-rapporteurs: Karl-Heinz Lambertz and Farid Mukhametshin.

19 See Price, Adam, Ó Torna, Caitríona and Jones, Allan Wynne (1997) *The Diversity Dividend: Language, Culture and Economy in an Integrated Europe*. Brussels: European Bureau for Lesser Used Languages.

20 Ginsburgh, Victor and Weber, Shlomo (2011) *How many languages do we need? The economics of linguistic diversity*. Princeton, N. J.; Oxford: Princeton University Press.

21 Grin (2016) *Challenges of Minority Languages*, in Victor Ginsburgh and Shlomo Weber, eds., *The Palgrave Handbook of Economics and Language*. Basingstoke: Palgrave Macmillan, 616–658. See also Grin 2004 and 2013: www.uclouvain.be/cps/ucl/doc/etes/documents/13.Grin.pdf, www.unige.ch/fti/elf/files/7614/5865/9203/elfwp13.pdf.

47. It must be underlined here however that, estimations of the per-person cost of 17 such policy measures for specific minority languages in Europe reveal that costs are in fact quite low. These costs relate to a range of measures such as bilingual road-signs in Wales, media supply in Finland in Swedish, and in Welsh in the United Kingdom; for the Basque language in Spain; education in Spain in the Basque language and in Ireland for Irish (examples form outside Europe: Guatemala for Maya and French administration in Canada); or for the per capita examples from translation costs of the European institutions (for details, see Grin 2004, Table 1, 194–195; footnote 17).

48. To arrive at a relevant estimate of what costs minority languages actually induce, the argument is that, costs must be set against benefits which are both economic and cultural in nature. Examples of economic benefits for regions that are bilingual have been presented before, for example in the previous reports to the Chamber of Regions. Alsace and Wales have been mentioned as regions that benefit from what is often referred to as the “diversity dividend”;²² multilingual regions offer both higher incomes to the language-savvy individual and more wealth to the region.

49. More recent research points to further benefits and values that are set against eventual economic efforts that follow from maintaining linguistic diversity. The argument that the maintenance of regional or minority languages comes with high costs has been refuted by researchers such as François Grin who noted that “the “bilingualisation” of an education system carries comparatively modest costs, in the region of 3%–4% of educational expenditure”; “...linguistic diversity in a developing economy, often blamed (under the label of “fragmentation”) for poor GDP growth rates, turns out to have no effect, or possibly a positive one, when allowance is made for the fact that it can be endogenous.”²³) It is to be noted, for example against the argument that providing a service in a minority language is expensive, that the choice is not always between providing a service in a minority language and providing no service at all, which will of course costs zero amount of money. Rather, the choice is between providing it in one language or another for some part of a constituency (typically, the native speakers of the minority language considered). In such cases, the costs of minority language protection and promotion are minor, and arguably negligible. In some cases, e.g. for healthcare offered using their mother language especially for small children, expenses are hardly comparable to the benefits of the appropriate service.

22 Price, Adam, Ó Torna, Cairíona and Jones, Allan Wynne (1997) *The Diversity Dividend: Language, Culture and Economy in an Integrated Europe*. Brussels: European Bureau for Lesser Used Languages.

23 Grin (2016) *Challenges of Minority Languages*, in Victor Ginsburgh and Shlomo Weber, eds., *The Palgrave Handbook of Economics and Language*. Basingstoke: Palgrave Macmillan, 616–658. See also Grin 2004 and 2013: www.uclouvain.be/cps/ucl/doc/etes/documents/13.Grin.pdf, www.unige.ch/fti/elf/files/7614/5865/9203/elfwp13.pdf.

50. Research in the field, for example by Ginsburgh and Weber (USA)²⁴ also indicates that the effect of multilingualism on the economy depends on context.

51. On the one hand, comparisons between cities with different linguistic composition show that the effect of linguistic diversity turns out to be positive and quite large. On the other hand, again on the basis of several studies: “ethnic diversity has no adverse effects on growth and productivity in fully democratic societies, whereas it has a negative impact in less democratic societies, especially in dictatorships.” Thus, there is a clear and positive link between multilingualism, prosperity, and democratic rule.²⁵

52. Research also supports the thesis that linguistic diversity is the firmest and increasingly the only serious protection of cultural diversity.²⁶ The latter permits a multitude of experimentation in private and social life, from which humanity as a whole will arguably benefit in the long run. It could be considered that linguistic diversity acts as a brake on the transnational mobility of people and has a population stabilising effect that can slow down the disruption of small communities.²⁷ This is a strong argument for regions and local communities to maintain their linguistic diversity, as it is a key driver in maintaining their economic and cultural vitality and attractiveness.

53. In spite of all the evidence pointing to a positive rather than negative economic balance, in many countries, education and services in minority languages have been cut in times of economic difficulty, such as the period after 2008 when the world economy went into a recession. The economy in the post-2008 crash has changed the atmosphere towards multilingualism compared to the one which prevailed in the late 90s and early 2000s.

54. Professor Robert Dunbar²⁸ points to government finance and its impact on minority language services in many other contexts, such as the London local government’s

24 See Ginsburgh, Victor and Weber, Shlomo (2011) *How many languages do we need?*

The economics of linguistic diversity. Princeton, N. J.; Oxford: Princeton University Press.

25 Idem, p. 128: “the effect of linguistic diversity turns out to be positive and quite large since an increase of 0.20 in the index (for example living in Chicago instead of in Atlanta, or in Dallas instead of in Cincinnati) increases the average hourly wage by 15–20 percent, all other things being equal. Thus, there is a definite positive effect of linguistic diversity on labor productivity” and p. 129.

26 See Van Parijs (2000, 11–12).

27 Idem, “Despite an indisputably high cost in terms of impediments to transnational communication and investment in second language learning, the long term consequences of linguistic diversity are therefore such that the general interest requires its preservation through a firm enforcement of the linguistic territoriality principle”.

28 Interview with Professor Robert Dunbar, University of Edinburgh, United Kingdom, March 2017: These features have been identified by Professor Moring on the basis of his personal interview with Professor François Grin on his and PhD Guillaume Fürst’s forthcoming, yet not published research.

decision to off-load the funding of S4C (Welsh-language public service television) to the BBC, thereby saving the UK exchequer around 80 million GBP per year. The effects of post-2008 austerity in Ireland on Irish language policy have also been major. Before the crisis, positive developments such as availability of school education in the Irish language had been instrumental in facilitating the integration of migrants. However, initiatives such as the establishment of Irish language strategic policy committees that engage local elected representatives and voluntary groups with an aim to protect the status of the Irish language at a local and regional level or the employment of Irish language officers and offices within local authorities were either partly implemented or gave rise to problems, including poor engagement from many local authorities in actually investing in these solutions and establishing these structures.

55. These cuts in spending point to short-sighted policies at the State, community and regional levels which are not only culturally harmful but also against the best interests of the regions, economic or otherwise. There is a need for effective co-operation and interaction between local, regional and national governments for keeping multilingualism functioning. As the example of Vojvodina in Serbia has shown, regional tradition, practice and legislation promoting multilingualism may easily be undermined by the negative policies of the central government. Furthermore the clear division of administrative powers in relation to language issues may also be an important element in this regard.²⁹

56. The rapporteurs are of the opinion that, in order to ensure the effectiveness of decisions taken for financing the use of the regional or minority languages, it is advisable to have a clear, separate budget allocated to regional and local authorities so that they can fulfil their duties.

3.2 Economic aspects 2: multilingualism increases creativity

57. There is hard empirical evidence of a positive correlation between creativity and multilingualism (hitherto assumed, on the basis of circumstantial evidence). Now more detailed research based on sophisticated questionnaires shows that virtually all indicators of multilingualism, including skills in a second language are positively correlated to most creativity measures, especially with idea generation and with the intensity of creative activities and achievements. Further positive effects were found for the mastering of third or fourth languages. It is important to note that

²⁹ See Beretka 2016: Language Rights and Multilingualism in Vojvodina, in the *International Journal on Minority and Group Rights*, Volume 23, Issue 4, 505–529. (On-line – consulted on 10.4.2017), available at: <http://booksandjournals.brillonline.com/content/journals/10.1163/15718115-02304007>

these results hold even when controlling for multicultural experience, suggesting that multilingualism itself contributes to creativity.³⁰

58. A report focusing on the German-Danish border region, published by the European Academy, shows how the competences of minorities on both sides of the border benefit society, through the added value they have in the sense of a capital for society, contributing with actions that they perform as part of their unique function in the border region, and through “attitudes and behaviour that they bring into intercultural dialogue”. Furthermore, the report notes that not only the German and Danish speaking border minorities benefit society, Frisians are active in this regard, and also the Sinti and Roma are increasingly involved in political processes: “These competencies show that the minorities have the necessary human capital to be represented not only in a democratic society, but also to participate in it.”³¹

59. Another example is from Scotland: The interrelation between Scottish Gaelic and business was analysed through a survey (including focus groups and interviews) with more than 300 businesses, enterprises and organizations.³² In Scotland, somewhat more than 57,000 people (1.1 percent of the population) speak Gaelic, whereas around 87,000 understand some Gaelic. Irrespective of the relatively low proportion of Gaelic speakers, almost two-thirds of the businesses consulted considered Gaelic as moderately, very, or critically important. Businesses that identified Gaelic as being critically important commonly operate in creative industries, such as music, art, design, performance, theatre, media, publishing, and the digital-ICT sector. Also businesses in the heritage and learning sectors identify Gaelic as critically important. The study also identified a virtuous circle. “...the potential opportunities are anticipated to clearly benefit the individual businesses, as well as the communities where the businesses are located, and the wider language development for Gaelic – reinforcing and further evidencing the two-way interrelationship between Gaelic and economic and social development.”

60. The potential of even highly “minoritised” languages (languages that has suffered marginalisation, persecution or even ban at some point in its history) such as Scottish Gaelic to make significant positive net contributions to local economies was demonstrated in research done in 2002 in the Canadian province of Nova Scotia, where

30 Interview with Professor François Grin, March 2017, with compliments also to Guillaume Fürst.

31 Kompetenzanalyse 2007, 53; Minderheiten als Standortfaktor in der deutsch-dänischen Grenzregion. “Miteinander, Füreinander”. Project group: Tove Malloy (project leader), Alice Engl, Alexander Heichlinger, Veronika Hopfgartner, Harald Pechlaner, Eva Teglas, Karina Zabielska, mit Gabriel N. Toggenburg, Günther Rautz and Verena Wisthaler. Bozen-Bolzano: European Academy (EURAC).

32 *Ar Stòras Gàidhlig*: The economic and social value of Gaelic as an asset; Executive summary, May 2014. Glasgow: DC Research, in partnership with Glasgow Caledonian University, CogentStrategies International Ltd and Pirnie Ltd.

Scottish Gaelic, a language brought to the province in the eighteenth and nineteenth centuries is still spoken, although by a very small minority of the population, certainly less than 1,000 people, at the time the research was conducted. The research concluded that the Gaelic language and its associated culture generates over \$23.5 million CAD in direct revenue (without consideration of its multiplier effects) annually (Kennedy, 2002: 263).

61. Regrettably, the European Union has withdrawn from most of its direct funding of schemes that support regional or minority languages.³³ One way to develop the resource base that supports the economy in the often remote regions where users of such languages reside is an active use of regional structural support offered by the states or by the European Union through their respective funding schemes. For example, the INTERREG projects of the European Union³⁴ can be beneficial to the entire region, and also to regional or minority languages. Efforts in this direction are likely to develop pay-offs both economically and culturally, thus contributing to a virtuous circle for regional development. However, these funding opportunities have been underused. Projects could be developed more actively in regions where regional or minority languages are used. Nevertheless, in the opinion of the Rapporteurs, the protection of diversity in languages involves the necessity of re- entering direct funding of schemes of the European Union, that support regional or minority languages.

62. To summarise this section, the rapporteurs underline that regional and local authorities should be encouraged – and financially supported by their respective States – to maintain multilingual policies for three basic reasons. First, because the more minority languages are supported and are alive in a region, the willingness to stay in such communities increases, acting as a bulwark against workforce or brain drain, thereby protecting the vibrancy of the region. Secondly, there is a definite economic gain in supporting these policies. Costs induced by maintaining regional or minority languages are frequently over-estimated and often more than compensated by positive economic effects. And last but not least, higher levels of individual multilingual skills boost creativity factors. These cultural, social, economic and innovation-related advantages, paired with the political gain in creating more peaceful environments should constitute the pillars of regional authorities' policies.

33 Gazzola, Michele, Grin, Françoise, Häggman, Johan and Moring, Tom (2016) The EU's Financial Support for Regional or Minority Languages. A Historical Assessment. In *Treatises and Documents, Journal of Ethnic Studies/Razprave in gradivo, Revija za narodnostna vprašanja* 77/2016, 31–64.

34 See www.interregeurope.eu/

4. The Charter in practice: new challenges

63. The process of the Charter must be characterised by continuity. Its text was formulated in the late decades of the last century, and although its main principles have matured well with time, new developments in society have brought about changes that were not foreseen in their details at the time when the Charter was launched in 1992.

64. In common law, an established principle is to interpret instruments of this type in a dynamic (or “objective”) fashion, rather than in a static way which allows for little or no evolution of the way in which the legal instrument is applied to a changing environment. In this section, the Rapporteurs will look at some developments in society that call for urgent attention, keeping in mind that the fundamental ethos of the Charter requires action to promote regional or minority languages in order to safeguard them, and on facilitation and/or encouragement of the use of regional or minority languages.

4.1 The Charter in the age of digitalisation

65. The dramatic changes that took place in the *modus operandi* of almost all sectors in society due to digitalisation are a factor that has to be seriously considered when regional and local authorities seek an effective implementation of the principles of the Charter.

66. They affect, for example, education (Article 8 of the Charter) in many ways. While the Charter has contributed to positive development (for example in Spain, where the law of education 2006 guarantees use of minority languages in all educative levels in bilingual communities), new challenges emerge with the current development of educational systems. New forms of distance learning are created and offered over great distances. Kindergartens, schools and universities need new applications that support use of all languages, including regional or minority ones, both in teaching languages as a subject and in teaching other subjects through languages.

67. Early education environments are also the place where young people start to use social media, exchanging with their peers, through various languages. This offers good opportunities to develop support for regional or minority languages. The challenge is, of course, to find resources to develop such services also for these languages.

68. Digitalisation affects judicial authorities as well. In many States and in many contexts, services and procedures that fall under Article 9 of the Charter have been developed and are available through web sites. Many juridical matters that can be routinised are now offered on the market in the form of digital services. If versions

that support this development are not available in regional or minority languages, the latter will in effect be more expensive, more difficult and slower to use in many instances.

Digital services

69. Authorities, including tax authorities, pension authorities, authorities in the field of health care and social services, communicate more and more through their digital platforms. Likewise, information to the public is often first available online, and is sometimes this is the only way information is made available. This has already created problems that would fall under article 10 of the Charter, some of which have been identified in the monitoring process.

70. For example, in Denmark, German speakers claim to find little or no information on the websites of national, regional, and local authorities in their own language. In Austria, it was reported that computer systems could not support the diacritics of the Burgenland-Croatian alphabet (see the 2nd CAHLR evaluation report, 2008).

71. A similar problem was detected in Finland where CAHLR raised concerns about the failure of police administration to produce electronic forms in Sámi because of the special characters of the Sámi language that are not supported (see the 4th CAHLR evaluation report, 2011). As of 2015, the Finnish government approved a programme which requires preparation of digital principles that concern all public services (including those offered by regional or local community authorities) by the end of 2017.

72. Problems related to the failure of authorities to produce digital services in regional or minority languages must be taken very seriously, as the development of such services in society at large is rapid. It is essential that reforms take into consideration that digital service provision, access to information and possibilities to communicate with the authorities are offered in regional and minority languages, in accordance with Article 10 of the Charter, also keeping in mind the needs of those who cannot for various reasons access their services through the digital services that are offered. This requires active efforts at all levels of society. Keeping in mind that local and regional authorities are often front-line providers of administrative services, this is a key field of concern for those who are responsible for the development of these services.

The media sector

73. There are many examples of developments that are in accordance with the Charter's provisions in the media sector (Article 11). For example, in Austria the 2001 Broadcasting Act obliges ORF to broadcast programmes in languages of

minority groups. In Spain, according to the 2006 State Radio and Television Act, the Corporation of State Radio and Television (RTVE) must promote territorial cohesion and Spain's linguistic and cultural diversity. International radio and TV channels disseminate the languages and cultures of Spain in other countries and promote the production of audio-visual contents in the languages of minority groups.

74. However, the media sector is also undergoing rapid change. The provisions for media under the Charter were written at a time when digital media did not yet exist in the way they do today. Traditional media (also called "legacy media"), have met with cut-backs in staff and revenues both on the private side and on the public side in many countries. This affects the provision of information and cultural services in languages that operate in small markets at large, and particularly the services in regional or minority languages are in many cases endangered.

75. Television has been digitalised and most legacy media have developed digital websites, while downplaying their printed services. New forms of social media that were unforeseen at the time when the Charter was launched have now come into the lives of young people, and their behaviour is dramatically affected.

76. This creates a two-sided problem.³⁵ Whilst older people still tend to lean on printed newspapers, radio and television in their daily media consumption, a younger demography has in many cases turned exclusively to digital media on mobile devices. This means that, in a foreseeable future, society will have to maintain double technologies in order to properly serve older population through legacy media while developing new media formats and contents in order not to lose the young.

77. The new digital media world has consequences not only for the media use but for the behaviour among young people more broadly. The media today operate in global markets and this has led to a concentration in big media, often with entertaining contents. Research shows that English has risen to the level or even beyond the use of national languages and regional or minority languages among young speakers of these languages.³⁶

78. Young users of regional or minority languages are often trilingual, mastering a lingua franca in addition to their language and the national language. The mastering of several languages facilitate the mobility of young people. This potential for mobility

35 Moring, Tom and Dunbar, Robert (2008) *The European Charter for Regional or Minority Languages and the media*. Regional or Minority Languages, No. 6. Strasbourg: Council of Europe.

36 Vincze, Laszlo and Moring, Tom (forthcoming, submitted to *Journal of European and Regional Studies*) 'Trilingual Internet use, identity and acculturation among young minority language speakers: Some data from Transylvania and Finland'.

(also called motility)³⁷ can be perceived for example among young Swedish speakers in Finland; 10% of Swedish speakers have moved abroad between 2000 and 2015.³⁸ Similarly, evidence of mobility among the Sámi in northernmost Europe shows a tendency that many skilled Sámi seek their career in the capitals of the Nordic states.³⁹ It is in the immediate interest of the regions to develop a competitive context for young speakers of minority languages that make their livelihood and cultural conditions attractive, in order to maintain the positive creative impact of multilingualism for regional vitality and stability that was mentioned above (para. 52).

Cultural activities and facilities

79. The same processes that concern the media are of the utmost importance also in the development of cultural activities and facilities (Article 12 of the Charter). Of particular interest under this article is its focus on developing modes of translation and access across language barriers; an activity that is today of crucial importance for languages that are under threat.

80. The same processes that concern media are of the utmost importance also in the development of cultural activities and facilities (Article 12). Of particular interest under this article is its focus on developing modes of translation and access across language barriers; an activity that is today of crucial importance for languages that are under threat.

81. A Science and Technology Options Assessment (STOA) workshop held at the European Parliament in 2017 looked at the support that language technologies give to languages that are spoken within EU. On a five-graded scale (Excellent/Good/Moderate/Fragmentary/Weak or no support by language technology) no language achieved the level of “Excellent support”. Only English was consistently at the level of “Good support” over the four different aspects assessed (machine translation, text analytics, speech and resources).⁴⁰ Moderate support was found for two more languages on machine translation, growing to nine languages on resources, all these languages were main languages of states.

37 Houtcamp, Christopher (forthcoming) ‘The relevance of motility in language shift research.’ *Language Problems and Language Planning*.

38 Kepsu, Kaisa (2016) ‘Hjärnflykt eller inte? En analys av den svenskspråkiga flyttningen mellan Finland och Sverige 2000–2015. Magma pamflett 2/2016. Helsingfors: Magma.

39 Gröndahl, Satu (2006) ‘Natives of the North’. In *Books from Finland 1/2006* (On-line, <http://neba.finlit.fi/booksfromfinland/bff/106/grondahl.htm>, consulted 14.3.2017).

40 Rehm, Georg (2017) *Human Language Technologies in a Multilingual Europe*. Presentation at the Science and Technology Options Assessment (STOA) workshop at the European Parliament, January 2017. PowerPoint presentation. (On-line, available at www.europarl.europa.eu/stoa/cms/home/workshops/language, consulted 15.3.2017).

82. The regional and minority languages were found only in the group of fragmentarily supported or weakly supported languages. Only three minority languages (Catalan, Basque and Galician) have ascended to the level of “fragmentary support”. Languages such as Irish or Welsh which have a recognised status in the States where they are used, were found to be only weakly or not at all supported by language technologies.

83. According to the above research, European languages enjoy equal status yet digital extinction of the majority of European languages is a severe danger. This warning coincides with the one given by a mathematical linguist, András Kornai, who noted that the danger of digital language death is seriously underestimated, “in that less than 5% of all languages can still ascend to the digital realm”⁴¹

84. These warnings present a vital message to regional and local authorities, particularly in the light of how much good can be achieved for linguistic diversity if language technology is properly developed to take account of regional or minority languages, including applications that are suited for local conditions also in situations where kin-State languages have developed language technology services for a language but not for its use in a neighbouring State. The Rapporteurs draw attention to the fact that here is much to lose but also much to gain for regional or minority languages in this field.

85. The challenges under Article 13 of the Charter (economic and social life) to a great extent coincide with the challenges under Article 10, discussed above. Many of the services (banks, health- and social services etc.) are either publicly or privately provided; and there are also evident reasons for private business to take up digital services.

Transfrontier exchanges

86. Regarding transfrontier exchanges (Article 14), digitalisation has brought into being new “virtual” borders through practices such as “geo-blocking” (a form of technological protection measure where access to Internet content is restricted based upon the user’s geographical location). Similar problems occur at TV and radio broadcasts as well. This is indicative of the limits of digital broadcasting and other services in crossing State borders. This is deplorable especially in case of numerous kin-state minorities like Danish and German speakers on both sides of this border, Swedish speakers in Finland, Finnish speakers in Sweden, or Hungarians in Romania (more than 1.2 Million Hungarians, according to the 2011 census), Hungarians in Slovakia, Ukraine and others. Numerous other examples could also be cited.

41 Kornai, András (2013) ‘Digital Language Death’, PLoS ONE 8(10).

87. Within the European Union, there are efforts to develop a digital single market.⁴² Examples of solutions that address this problem, to a greater or lesser degree, on a bilateral basis can be found, for example, in arrangements for digital television between Finland and Sweden. However, CAHLR monitoring reports also show cases where services have been blocked due to the formation of new State borders or because of a change from analogue to digital distribution techniques. CAHLR has repeatedly commented on the shortcomings in television services for minority language speakers in the border regions of Germany and Denmark (see for example, Denmark in the 4th monitoring cycle paras. 64, 65 and 69–71, and Germany in the 5th monitoring cycle, paras. 25, 26 and 85–87).

88. For many minority languages, access to the kin-State language on the other side of a border is vital, and regions should make active contributions to solve problems in this regard. The Rapporteurs are of the opinion that existing commitments made by ratifying States on cross-border co-operation at national level (see Article 7, para 1i) could be well supported by regional co-operation in border areas.

5. A key to the future: taking undertakings under Part II seriously

89. Article 7 of the Charter calls for respect for the ethos and grounding principles of the Charter. It requires States to base their policies, legislation and practice on the recognition of regional and minority languages as an expression of cultural wealth. This requires that the geographical area of each language be respected. It also entails resolute action from public authorities to promote these languages in order to safeguard them on the one hand, and facilitate and/or encourage the use of regional or minority languages in speech and writing, in public and private life, on the other. In some geographical areas, where the minority language users are numerous and/or the minority exceeds a certain rate (e.g. 20%), by the opinion of the Rapporteurs, bilingual practice should be supported by acknowledging the minority language as a regional official language, in addition to the State official language.

90. More specifically, through Article 7, the State Parties sign up to provisions such as providing appropriate forms and means for the teaching and study of regional or minority languages, and the promotion of transnational exchanges.

91. These fundamental principles provide clear leverage to users of regional and minority languages, local communities and regions for asking the State Parties to offer appropriate conditions, through legislation and through guiding of resources, by clearly identified budgets, to meet the dynamic interpretations of the Charter in today's world.

⁴² See https://ec.europa.eu/commission/priorities/digital-single-market_en

92. Whilst Article 7 is not less binding to the State Parties than the more specific undertakings under Part III, it tends to remain in the shadow of the more detailed undertakings, particularly for languages that are selected for monitoring under Part III. The rapporteurs underline that the principles and undertakings included in Article 7 are particularly important in this time of contextual change, as they provide evidence of the farsightedness of the drafters of the Charter. Because of their more general nature, they can be more easily interpreted in a dynamic manner.

93. All in all, recent research and examples collected from living experience provide ample support for the future positive impact of the Charter. This being said, the Rapporteurs are of the opinion that it is necessary to implement the fundamental principles of the Charter in a considerate and objective manner.

94. In certain cases, the needs of regional or minority languages and their users are basic, and can still be met using the methods and means that were foreseen in the last decades of the 20th century.

95. In other cases, and for all languages that will ascend into the digital realm, new ways of meeting the challenges that language users are faced with must be continuously developed, in accordance with the ethos of the Charter and a dynamic interpretation that takes societal and technological change into consideration.

96. This is a path that supports regional and local well-being, while respecting fundamental values such as respect for democracy, encouragement of equal participation, and the positive contribution of cultural and linguistic diversity in society.

97. As part of the linguistic diversity question, the Rapporteurs would like to say a few words on the issue of migrant languages, although these languages are not covered either by the Charter or by the Framework Convention for the Protection of National Minorities as mentioned above, in paragraph 12. The non-inclusion of migrant languages in the Charter is based on the consideration that these languages and their users live under quite different conditions and are subject to specific problems of integration, which should perhaps be addressed in a specific legal instrument.

98. However, this does not mean that best practices developed in the Charter process could not be applied also in this context, taking into consideration the specific conditions and traditions in the different regions of the European States. The Rapporteurs are aware that the historical context and whether a migrant language has been long enough in a country to establish itself as a traditional minority will determine the policies adopted by national governments in this regard. They nevertheless wish to draw attention to the fact that, whilst remaining within the confines of the Charter,

authorities have a margin of action: The Irish example is worth considering as regards the importance of integrating migrants in traditional minority languages instead of in the majority language. This is an issue that has been on the agenda at least in Catalonia in Spain and in Ostrobothnia in Finland as an important component for the future of the traditional minority language in question.

6. Conclusions

99. The Congress, as a political body of the Council of Europe representing some 200 000 local and regional level public authorities in member States, promotes diversity in all its forms, respecting the human rights of all individuals and is supportive of all initiatives that encourage and improve citizen participation in order to create stable democratic societies governed by the rule of law. For this purpose, it takes part in Council of Europe action plans on building inclusive societies.

100. In the same spirit, the Charter (particularly its Article 7) requires States to base their policies, legislation and practice on the recognition of regional and minority languages as an expression of cultural wealth. This requires public authorities to promote these languages so that they can be safeguarded. They must also facilitate and encourage the use of regional or minority languages in speech and writing, in public and private life.

101. The rapporteurs are of the opinion that core objectives of the Charter, such as inter-culturalism and multilingualism, are crucial for developing policies that will allow public authorities to deal with the tension that exists between State languages and regional or minority languages.

102. Regional and local authorities should be encouraged and entitled to maintain multilingual policies. Firstly to protect the cultural vibrancy of the region, secondly for the positive economic effects and thirdly for higher levels of individual multilingual skills boost creativity factors, fostering innovation.

103. Another area where regional and local authorities need to take urgent action is the digital cultural economy and preparation for the future in this fast developing sector. The latter must be incorporated into language policies; development of language technology, development in support of regional or minority languages must be actively supported. The reporting of such measures must be updated to make the new policies transparent and allow for their monitoring. This should not mean overlooking the needs of older people or withholding traditional support from the less developed communities of users of regional or minority languages.

104. In its 2007 recommendation, the Congress had invited the State Parties that had committed to ratify the Charter when acceding to the Council of Europe⁴³ to do so. The Rapporteurs propose to reiterate this invitation in a recommendation to the member States and call on regional and local authorities to encourage their national authorities to sign and ratify the Charter, for States that have not yet done so.

105. The rapporteurs propose also to invite the member States who ratified the Charter to maintain or strengthen their commitment to the Charter, to improve the protection of the regional or minority languages, to extend their support of the regional or minority languages, by ensuring special rights or regional official language status where appropriate, and by expressly involving and entitling regional and local authorities in their daily practice.

106. Alongside recommendations to the national authorities, it would be judicious to remind the regional authorities of the importance of offering attractive conditions – preferably a clearly identified budget – to regional or minority languages as a key resource that needs to be nurtured because they are a benefit to regional and local economy, creativity, vibrancy and well-being.

107. Regions should actively participate in the development of measures in order to meet the crucial challenges that confront most European languages (as well as the regional or minority languages) in the new digital environment, including dismantling digital transfrontier barriers. The aim is to secure implementation of the undertakings in service provisions that are included in the Charter in these languages, also in the digital realm, as a fundamental dimension of democracy.

108. The ratification of the Charter is desirable but the Rapporteurs wish to highlight the fact that it is not an indispensable condition in order to adopt local or regional versions of the Charter containing provisions matching their competences. There is a lot of space for local and regional authorities from non-States Parties to work with adapted versions of the Charter and its provisions that match their competences and to apply them. They can develop good practice in accordance with the ethos and the undertakings defined in those provisions.

109. Finally, the rapporteurs would recommend that all local and regional authorities should improve, where and when possible, regional and cross-border co-operation for providing best services for using regional or minority languages.

43 Albania, Azerbaijan, the Former Yugoslav Republic of Macedonia, Georgia, Moldova, Russia.

