

X Linguapax Conference (Forum Universal de les Cultures, Barcelona 2004)

May 20th – 23rd 2004

Workshop IV. Language legislation and language rights.

Summary of main points raised

Miquel Strubell

It was my pleasure and privilege to chair the ten papers presented in Workshop 4, on **Language Legislation and Language Rights**. My comments will not however follow the order of the presentations, for I feel it is more interesting to link the main messages of each with the three chief strands of the Conference: Diversity, Sustainability and Peace.¹

I shall draw heavily on those issues which the contributors themselves have felt to be the most salient points that they would like to be taken on board as a result of this Conference.

Diversity

Santiago Frigola "Legislació i drets lingüístics de la comunitat sorda"

Santiago, in the presence of other members of the Catalan Association of Deaf People, persuasively called for the official recognition of sign language, and specifically Catalan sign language, as a fundamental right of its users. It enjoys all the features of a living language, but it needs language planning to describe it and study it, so that the authorities can then adopt useful and coherent measures. But alongside legal and political measures, there is a clear need for measures to achieve the **social** recognition of the language, in application of the principle of equality of opportunities and, indeed, basic human rights, in regard to the deaf community.

Paolo Coluzzi "Problems and difficulties of minority language planning in Italy"

Paolo was critical of the 50 year delay, between the constitutional obligation to legislate in order to protect Italy's languages, and the passage of the first such bill through Parliament. Moreover, this law only recognises 12 languages, despite claims that between 19 and 35 languages and/or dialects deserve protection. Italy is similar to other European nation-states in having tried to persuade citizens that their own languages (and perhaps their speakers) were useless and inferior. A separate issue is what if any should be the policy towards the unprotected varieties: *laissez faire*? Proactive? Minority language communities, in Italy and across Europe would greatly benefit from actions aimed at disseminating information to the general public about their linguistic diversity.

Niamh Nic Shuibhne "The EU and its language scheme: Before and after enlargement"

Niamh felt that **it is high time that the European Union confronted the many problems arising out of the present set of language rules**, drawn up in 1958 when the EEC had only four official languages. However, balanced solutions are essential, though this is easier said than done, for she points out a number of dichotomies, such as the conflicting pulls of "efficiency" and "principle" (such as non-discrimination and legal certainty). There is no constitutional principle of the "equality" of the official languages, and in practice, nearly all work done internally is in one of two (English or French), and sometimes three (with German), languages only. Moreover the issues are linked to issues not just of communication, but also of identity. Despite the Member States unwillingness to face the complex issues involved, we should move towards a sophisticated model, defining a range of functions, and then deciding which languages will be accepted for each of these.

¹ Though in some cases several of these topics were covered in individual papers - so their classification is sometimes questionable – I would not like this to become an issue: I have classified them mainly for convenience.

Rosa Julia Plá Coelho "A juridical approach to linguistic diversity in Europe – Considerations regarding adopting a catalogue of basic language rights for national, international and European Union laws"

Julia said that there is a growing awareness of the need to define a catalogue of language rights in the framework of internationally recognized rights and of the European Union, in view of the tenuous and fragile legislation on linguistic rights inside some EU countries. These rights, and linguistic pluralism, should have constitutional status, especially in the context of European integration, but at present they have only been mentioned in a few, vague programmatic declarations. Constitutional reference to minorities and to Europe's linguistic heritage would help to raise the profile of differentiated cultures, so that multilingual States would become not just States of democracy, social justice and the rule of law, but also States of Culture. To safeguard the existing cultural wealth and diversity, then, we must incorporate as a basic fundamental principle the need to restructure each language's public social and cultural environment.

Christine Anthonissen "Walking the tightrope between policy and practice: testing a national policy of language diversity in higher education language practices"

Christine discussed in detail the language policies being implemented in some South African universities, in the context of the recent big changes in the constitutional status of languages in her country: the number of official languages has risen from two (Afrikaans and English) to eleven. **She underlined the frequent discrepancies between the policies as stated on paper, and what is happening "on the ground", in practice.** This gap can, however, be narrowed creatively and constructively, provided planners are aware of it. Language-in-education is a special area that can make the mere good intentions of legislation "visible": for such intentions can be thwarted in practice by other decisions, such as the financial and human resources put (or not put) at the service of such policies. Finally, she illustrates the **negative influence that non-linguistic factors can have**, such as competing for students with English-speaking universities by easing language requirements for students and language guidelines for lecturers.

Sustainability

Susana Cuevas "Ley de derechos lingüísticos en México"

The recent passage of a law which defines the language rights of the indigenous population of Mexico is an historic achievement resulting from years of lobbying. But its many stumbling-blocks underline the fact that **legislation should never be regarded as a final product, but rather as the starting point of a new phase on the road towards the conditions needed to ensure diversity.** The Law has a number of important drawbacks. Thus, while paying lip-service to all indigenous languages as being "national" language alongside Spanish, its wording, starting with the very title of the law, actually increases the distinction and the differences between Spanish and all the other languages. Furthermore, in practice there are serious obstacles holding up the development of many of Mexico's languages, starting with the initial issue of defining exactly to how many languages, and which, the legislation is to apply. It will take years to finalise the standardisation (spelling system, grammar) of many of these languages, and to then develop the basic language tools needed to put into place suitable educational policies, -, teaching methods and training courses, text books, etc. All Mexicans must be encouraged to fully share the heritage of their country and to fully support the steps required to achieve full equality and to overcome the prejudice and sheer ignorance that are widespread among the dominant Spanish-speaking population, especially in the larger cities.

Christopher Stroud "Language rights and linguistic citizenship"

Christopher proposed that the linguistic human rights approach to minority language maintenance and revitalisation be adapted to accommodate the currently prevailing postliberal notion of citizenship. The **notion of linguistic citizenship would help to**

ensure the place of language in a transformative process, which would benefit from: i. a collective strategy of affinity between groups sharing the same problematic; ii. a recognition of alternative public discourses and arenas; iii. the existence of the multiple linguistic identities of many speakers; and iv. the bivalent link between recognition/representation/identity, on the one hand, and the redistribution of resources, on the other.

Mònica Sabata "La Declaració Universal de Drets Lingüístics"

Mònica described in detail the development and monitoring of the Universal Declaration of Language Rights which has not, however, been adopted by Unesco or put to the UN General Assembly. It brings together the three principles in the conference title. She pointed out the need to generate a discourse on the rights of linguistic communities, not just of individuals. The Declaration brings together language diversity and balance, and language rights. She called for raising awareness of the need for an international instrument covering the language rights for all language communities, in the various fields dealt with during this Conference.

Peace

Donáll Ó Riagáin "Respect, understanding and tolerance' – Language policy and the peace process in Northern Ireland"

Dónall explained that the Northern Ireland peace process shows that even in a situation where the embers of decades of violence have not yet fully died out, **fostering respect for linguistic and cultural diversity can lead to understanding and tolerance** and also to the establishment of new cross-community alliances in order to conserve and revitalise a common linguistic heritage. Even in cases where language is not the cause of conflict, cooperative initiatives in this field may highlight the desire to work together and thus serve the interests of peace.

Michelle Daveluy "Self-government or peace among the Inuits of Canada"

Referring primarily to the Inuit people, Michelle called for research into existing cases, in order to improve our capacity to promote linguistic peace. We can increase the chances of language communities being sustainable if we discussing them in terms of localised majority collectivities, and empower them so that they can control their own social, natural and economic environment to as great a degree as possible. There is a need to promote the necessary and sufficient development of the respective languages, by proposing policies which support language enclaves in what is truly a multilingual world.

Some general remarks to close

The need was underlined to bolster the **self-image** of speakers of the smaller languages of the world. Some such measures might be aimed directly at the language itself (for instance, by using it in ways attractive to young people, such as the internet; or teaching it in universities to people whose professions will involve dealing with speakers of the relevant language). Others might not be aimed directly at the language itself. Let us repeat once more: languages are never under threat of extinction on inherently linguistic grounds, but rather for economic, political, social or other reasons; the solutions must therefore address these causes, and not the symptoms.

Another recurrent idea was the need to work with other groups sharing similar problems. The very discovery that one is not alone and that one's problems are not unique, helps to put them into perspective, and often makes it easier to find and implement solutions.

A third idea, in this workshop devoted to Language Legislation and Language Rights, was that achieving legal status, recognition and/or support may not be enough to ensure a real and sustainable dynamic. The resources may not arrive; the information needed to implement a law may have to be collected through costly research; or they may be a lack of qualified professionals. Laws may be a good starting point in many countries, but never the final solution. It is in international bodies such as the EU that the rules governing language use become critically important.

So whatever else is done, it is essential for decision-making processes of all kinds to be brought as close to the community itself as possible, that is, each community has to have enough power and influence over its own economic, social and cultural environment to be able to ensure its vitality and future.

Finally, attempts to reach conclusions about this broad subject have to accommodate the extremely varied situation of the languages and the communities that speak them (i) from communities whose primary aim right now is to achieve European constitutional status, to communities that have disappeared because the last speaker no longer has anyone to speak with; (ii) from communities that have produced millions of pages on the web, to those whose computers – if they have actually seen one – will turn off unless they keep pedalling on the generator.

Let me end by saying that the incidents caused by a handful of people not invited by the Linguapax Institute to this Conference will not shake my conviction that this has been one of the most intellectually stimulating and potentially fruitful conferences I have ever taken part in. So I congratulate the Linguapax institute for their excellent work.