

**Pax linguae, pax humana:  
Linguistic rights as a foundation for peace**

Keynote speech

Language Diversity, Sustainability and Peace

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Mesdames, messieurs, this session of the linguapax congress proposes we reflect on respect for linguistic diversity, and its links with linguistic rights, as a factor for the promotion of peace among peoples.

It is also a timely matter at a time where peace seems even more distant in many parts of the world: Iraq, Israel, Sudan, southern Thailand, the threats of terrorism, and even closer to us here the situation in Macedonia, Turkey and Algeria remind us that we are not always doing so well in some respects.

In the last few days has anyone noticed how often the words diversity, tolerance, dialogue have been used in Barcelona, but also on May 1<sup>st</sup> with the addition of 10 new members to the EU?

Some of you may feel deep down inside that using these words has become cliché in Europe, that they are the politically correct mantras that must be uttered during meetings and conferences – whether you believe they mean anything in practice or not.

There may be some truth in this, but it is also my firm belief that they raise fundamental issues, in particular, the question of how individuals, groups and societies deal with others, with otherness, with difference, with diversity especially in language, culture, and dare I say it, even religion.

Because, one of the more alarming phenomena of our time is possibly the resurgence of aggressive nationalism, ethnocentrism, racism, xenophobia, and intolerance.

At the root of these disruptive and destructive currents, in my view, is a two-fold rejection: rejection of that which is universal in all human beings and in humanity, as well as a rejection of the other, of difference.

Most conflicts of our time are internal conflicts and many of these are due to linguistic or ethnic strife, to an incapacity of societies and political systems to manage difference and diversity.

We all know that these conflicts threaten peace and security. The tragedies in the former Yugoslavia and other parts of the world such as Sudan and Sri Lanka are still images that haunt us today, as well they should.

They should all haunt our conscience, but also the conscience of the international community which, in spite of much talk about early warning and conflict prevention, seems unable to avoid or even recognise the storm clouds which precede such tragedies. Because these tragedies don't simply happen: there are warning signs, indications that these conflicts will occur, though States sometimes prefer to turn a blind eye.

I wish to address the issue of peace and language diversity from a human rights and minority rights point of view, both to reconsider the traditional theory revolving around minorities from a liberal and Marxist point of view before looking at the challenges for peace, and why these conflicts occur.

To understand how peace may be linked to recognising rights in relation to language diversity permit me a slight historical digression which may help us better understand, for it is by knowing and understanding our past that we can learn and build better societies in the future.

At the risk of oversimplification, let's say that modern nationalism emerged at the end of the 18<sup>th</sup> century and in the 19<sup>th</sup> century. This ideology has had a tremendous impact on the perception and actual situation of our treatment of language and minorities, as well as a source of conflict and violence. Its influence has, and perhaps still is, tremendous on political thinking and practice, on both the right and the left of the political spectrum. It provided a justification for assimilating minorities within European states which has continued until very, very recently, and of the treatment of language diversity in Spain, in France and most other countries of Europe and the world.

John Stuart Mills, in *Considerations on Representative Government*, wrote in 1861 about minorities, or small nationalities to use his expression and their languages, which were according to him but "half-savage relics of past times". These nationalities such as the Breton, the Irish or Basques and other "inferior and more backward portion of the human race" could only benefit from being absorbed into the majority of a country.

Just a few years earlier, but from the opposite political position, Friedrich Engels wrote that

"there is no country in Europe which does not have in some corner or other one or more fragments of peoples, the remnants of a former population that was suppressed and held in bondage by the nation which later became the main vehicle for historical development. These relics of nations...this ethnic trash

always became the fanatical bearers of counterrevolution and remain so until their complete extirpation or loss of national character, just as their whole existence in general is itself a protest against a great historical revolution."

Left and right: they may both be at completely opposite ideological camps in Europe, but the similarity between the concepts and views held by Engels and Mills is striking: For Mills "the half-savage relics of past times", for Engels "the ethnic trash", these nationalities or minorities were doomed to be absorbed or eliminated, including their languages and cultures, of course.

Let's be blunt: under the predominant nationalist ideology, both liberal individualism and socialist internationalism viewed minorities and their languages as something which should disappear. Linguistic diversity for liberals and Marxists during the period of pure nationalism were obstacles to progress and development.

For both Marxists and liberals, it was the "great nations" which were the carriers of historical development. The smaller nationalities and their languages and identities were regarded as backward and stagnant. They were expected to abandon their identity and assimilate into the majority nation: *point final*.

Attempts to maintain minority languages were regarded as reactionary and misguided, in this light, German was the language of liberty for the Czechs in Bohemia, just as French was the language of liberty for the Bretons.

That was according to the "air du temps", the zeitgeist of the 19<sup>th</sup> century then, progress and civilisation demanded the assimilation of minorities and the eventual disappearance of their languages.

This historical background must be noted because the influence of 19<sup>th</sup> century nationalism is far from having vanished; it has had a strong and lasting impact on political thinking and practice in Europe, its imprint hasn't completely vanished yet.

We may speak today about unity in diversity, the future new motto of the European Union, but in fact, we could say that in some countries the terminology may have changed but the substance seems suspiciously close to 19<sup>th</sup> century attitudes. The word "integration" is now regarded as "politically correct" but it is by no means certain whether the change of wording reflects a corresponding change in fundamental attitudes. No one knows what integration means, and sometimes it is used in ways which describe policies in relation to language diversity that both Engels and Mills would probably approve.

When one hears in France people refer to the language demands of the Breton minority as a "*repli identitaire*", an identity withdrawal, one can almost sense the nodding approval of Mills and Engels.

It is the same with the dogmatic – and mistaken – belief that once a State has chosen an official language, then this must be the only, the exclusive language that may be used by public authorities and in the judicial and public school systems.

This is mistaken, because it fails to accept that an official language policy, or an official religion or even official culture policy, cannot in international law be done in a way which would breach human rights that affect language, religion or culture.

As which will be shown later, an official language or religion policy can never be instituted at the expense of fundamental rights such as freedom of expression, non-discrimination, and other rights which have a language impact and which, on those occasions when they have language consequences, are sometimes referred to as language rights.

Let us not be naïve. There are still certain politicians and governments in Europe and other parts of the world who continue to share the views advanced by Mills and Engles even if such views have been shown to have been misplaced as evidenced, for example, by the experience of multilingual Switzerland, Finland and many others today which work, which are stable and which are consistent with true respect for linguistic diversity.

So what is the link between respect for rights in relation to language and instability leading to conflicts around the world?

It is generally when minorities are subjected to discrimination in the area of language, denied freedom of expression, are unable to have a proportional and reasonable use of their language according to what would be justified in their situation, that violent movements in countries like Sudan, Sri Lanka, Turkey, Macedonia and others gain strength and support to the point that an ethnic conflict may develop.

This is confirmed empirically in a number of studies which show that since the 1960s the worst cases of ethnic violence involved "reactions to state policies of discrimination and political exclusion aimed at communal groups", including linguistic and ethnic minorities.

The conflict in Macedonia, in Sri Lanka, in Turkey in Macedonia, in Sudan and more recently in southern Thailand all involved to various degrees linguistic demands: linguistic demands that in reality reflect the rights to language which now are emerging as legal entitlements in Europe.

These conflicts cannot simply be dismissed as examples of archaic tribalism. A Kurd does not have a cultural hatred of all things Turkish; an Albanian does not instinctively want to kill a Slav; nor do all Basques hate all Castilians.

Minorities do not enjoy killing their neighbours. War, ethnic conflicts, are the exceptions, and peace the more natural state of the human condition. In fact, conflicts involving minorities are proportionally quite exceptional when one considers the tens of thousands of various identity permutations that exist worldwide.

Rather, it is in most cases the discriminatory distribution of power and resources and other violations of the rights of minorities – in many cases linked to the issue of language use - which constitute the deep-rooted sources of tension that can be sparked into violent conflict.

Nor is it something which is a consequence of modernism or development, or lack of development. More than 1,500 years ago, even Saint Augustine noted in his work, *The City of God*, the many wars, slaughter and bloodshed the Imperial City had caused by endeavouring to impose its control and language over other nations.

This needs to be explained further in order to appreciate the link between language rights and conflicts.

Since the end of the Cold War, most conflicts are not simply intrastate, they often involve minorities. Of the 150 conflicts which have taken place since 1990, less than ten have been international. Over thirty have resulted in major wars, with 40 million people killed and over 45 million refugees created worldwide.

We need therefore to keep in mind that globalisation, particularly in the economic and communications spheres, does not mean that conflicts are diminishing in numbers. If democracy, globalisation and development were so fundamental to peace, one would have expected some results to be showing somewhere.

The most complete and long-term study on conflicts and stability prepared by a US research project called *Minorities at Risk*, shows that the numbers of conflicts have not fallen. It is true that in some parts of the world, where democracy have solidified in the last 40 years or more such as in Western Europe, the intensity, but not the overall numbers, of conflicts has diminished.

Some of the countries which are the scene of conflicts are democracies, others are not. Some countries are developing, others are developed. What states that are the scene of minority or ethnic conflicts do tend to have in common is that

there was an extended period leading up to the conflict during which the state was in breach of the rights of minorities, and it is usually the extended period of refusal or inability to respond to the legitimate demands of these minorities, often in the area of language which eventually created the conditions for instability leading to violence.

Looking at the situations in places like Indonesia, Macedonia, Turkey, Sudan and Sri Lanka, one finds that it is the discriminatory distribution of power and resources and other violations of the rights of minorities which constitute the deep-rooted sources of tension that eventually exploded into violent conflict.

Minorities usually revert to violence in frustration at not being able to change their government's policies because they are outnumbered and outvoted. They usually react to defend their interests in a legal and political environment which they believe they cannot control or even simply influence significantly.

Minorities do not trust the government because it is dominated by the ethnic majority. And the ethnic majority's domination and ethnic preferences is where instability happens, linked to violations of the rights of minorities in areas of language, religion or culture.

This is not suggesting that these are the only causes of instability. In most of the cases of conflict there is a consistent context, a certain background which seems to act as preconditions in most cases of instability.

1. Conflicts are more likely where one ethnic minority is fairly large or constitutes a substantial percentage of the population.
2. Conflicts are more likely if an ethnic group is concentrated in a specific territory which is considered "traditional".
3. The more a government through its laws and policies favours identification with the ethnic majority and their interests, the more the counter-reaction risks being violent, especially from a large indigenous people or national minority.

One of the points which needs to be emphasised is that most of the rights contained in specific treaties dealing with language or minorities are not "new" or "emerging" rights, they are actually, almost entirely, based on well-established, basic individual rights. Most of the rights referred to in the Framework Convention involve, for example, freedom of religion, freedom of expression, right to private life, and perhaps most importantly non-discrimination as to language, religion or culture.

Many who write about minority or language rights seldom explore what this means precisely. One should probably examine minority rights in the same way

as we should the rights of children or women. These are not collective rights, or new or weaker rights: they are basic human rights, and when one looks closely at the various treaties and other instruments dealing with women, children - or minorities for that matter - what one finds is that these documents all do the same thing: to a large degree they provide clarification, greater detail as to how general human rights standards such as freedom of expression, non-discrimination, right to private or family life and others mean in specific segments of human society which are particularly vulnerable.

It would therefore be useful to consider briefly the rights of minorities that are based on human rights such as non-discrimination, and freedom of expression or religion.

They can broadly be divided into 2 categories:

- The fundamental principle in relation of the private use of language is individual freedom. Public authorities cannot suppress or restrict one's private language preferences. There are many provisions in various treaties and instruments that refer to the private use of a language. Most of them, involve the situations that are covered by either freedom of expression or right to private life, as in the case of the right to have your name or surname in your own language. There are court decisions that confirm that the "right to a name" is not a collective or special right, but covered by the right to private life. Yet it is also at the same time an individual human rights and a linguistic right.
- In terms of the use of a minority language by public authorities, by officials of the government, the fundamental principle is proportionality. Roughly speaking, the greater the number of speakers of a minority language, the greater use must be made of that particular language by public authorities. All international and legal documents focus on the number and concentration of speakers of a particular language. Once again, this is presented in documents as a minority or linguistic right. It is also the application of non-discrimination on the basis of language. This has being confirmed by more and more decisions by international bodies, including most recently by the United Nations Human Rights Committee in a decision less than four years ago dealing with the use of a minority language in Namibia.

These examples are in the area of language, but I would like to say that one of the most important rights, and one which is central in situations of potential instability, is actually non-discrimination. As I will be showing later on, in most cases of conflict, the State is involved in policies or practices which tends to discriminate, exclude and so disadvantage minority and linguistic communities. This is the context where instability will appear.

Many governments often regard an official language, or culture or even religion as necessary in the name of national sovereignty or unity, or the promotion or protection of national identity. But it's also the case that members of numerically large minorities can interpret such ethnic preferences as evidence of intolerance and an attack against one of their fundamental identity-related qualities, as well as an unjustified interference in and lack of respect for their identity.

What the international human rights that affect language, religion or culture do is provide the basic rules that restrict unacceptable forms of ethnic or linguistic preferences by government, thus hopefully avoiding adding to ethnic anger, frustration and instability.

These rights are not specifically aimed at protecting minorities as groups. But indirectly they can provide protection for linguistic, religious and cultural communities by preventing the state from (1) imposing the characteristics of the majority on the minority against its will; (2) restricting the expression of linguistic, religious or cultural characteristics among members of a minority; or (3) using unreasonable or unjustified distinctions which underline human characteristics (language, religion, ethnic origin, etc) when laying down conditions governing the accessibility or quality of services, privileges and benefits furnished or allowed by the state.

In my work looking at Indonesia, Turkey, Sri Lanka, the Philippines, Macedonia, etc. there is a general and quite consistent pattern of situations that emerge, all involving policies and practices that directly created the conditions under which conflicts would eventually erupt, and all involving policies and practices that flew in the face of the human rights of minorities. These involve for example:

- Exclusion or serious obstacles in accessing employment opportunities because of language or religious requirements, especially in the civil service (would constitute discrimination in countries such as Macedonia and Sri Lanka)
- Loss or denial of traditional land rights, usually connected with transmigration programmes into traditional minority regions (in many cases involves extinction without compensation of indigenous peoples land rights, and/or discriminatory practices which favors certain ethnic groups to the detriment of traditional groups)
- Refusal by public authorities to use minority language in proportion to importance of minority populations that are substantial. This also affects employment opportunities for minorities (non-discrimination).
- Prohibition of use of minority language, symbols or of practising minority religion

It would help to bring together all these elements by looking at both Sri Lanka and Macedonia and how and why the conflicts there occurred, linked to violations of minority rights.

Sri Lanka, was considered to be one of the most likely to succeed former British colonies when it became independent.

The Tamils are about 18% of the population of the total population of that country, and the Sinhalese majority about 74%.

At independence in 1948, despite some initial promises that both languages would be used by the government, it finally adopted only Sinhalese as an official language with English. In 1956 another government removed English as an official language, and only Sinhalese remained.

In practical terms, the Tamil minority were more and more excluded from many if not most jobs in the civil service of the government because of linguistic preferences, and by the 1970s the Tamils were seriously under-represented in state civil service.

In legal terms, an exclusive language policy which in effect disadvantages and even excludes a large percentage of the population from a variety of services, benefits or employment would in my view be in the situation of such a large number of individuals being disadvantaged as being discrimination under human rights treaties such as Article 26 of the **International Covenant on Civil and Political Rights**.

There were other measures in terms of access to jobs and education that continued to create a situation of tension. In education, the government adopted a policy which required higher marks from Tamil students for admission to some university programmes than from Sinhalese students. This would possibly be discriminatory today under international law. There was also a government sponsored "transmigration" policy which had started in the 1930s and took mainly Sinhalese individuals and gave them land in traditional Tamil regions. Once again, there is a distinct probability that certain aspects of these last measures would now constitute discrimination under international law.

The violent ethnic conflict only erupted some time after 1956 in reaction to the anger and frustration caused by the government with policies that breached the human rights of minorities, mainly non-discrimination, in areas such as employment, education, access to land or even citizenship.

The conflict did not occur overnight. There was in fact a gestation of almost a couple of decades of policies which violated the rights of Tamils, particularly though not exclusively in relation to language. In other words, there was a gradual process of increased frustration by members of the Tamil minority which led to eventual instability.

The reasons for the slide towards conflict, from a human rights perspective, were clear: continued discrimination such as the Sinhalese-only rule, combined with the role of political entrepreneurs, the rise of intolerance against the other and a gradual polarisation of the whole ethnic scene, led to the civil war in Sri Lanka. The various governments' policies and legislation were in breach of international standards of human rights which could also be seen as minority or language rights under European instruments like the Framework Convention on the Protection of National Minorities.

Since the Tamils were such a high percentage of the population, territorially concentrated and distinct culturally, linguistically and religiously from the Buddhist Sinhalese majority, the discriminatory practices by the state in areas such as language and possibly religion were an invitation for violence and eventual demands for secession, since the democratic regime was unable to respond to minority demands. That's what eventually happened.

Something similar has also occurred for example in Macedonia. Macedonia was supposed to be one of the successes in the Balkans, a relatively free, functioning democracy, where one Albanian political party was part of the ruling government coalition.

Contrary to many of the reports made by the media at one point, the Albanian rebels were not demanding that part of Macedonia be joined to Kosovo or a greater Albania. If you look at all of the statements made from Albanian spokespersons, they invariably asked for two things only: a census and changes in the Constitution for equal rights.

It may sound strange that people would start a war over a census, but in the context of Macedonia it was not. You must understand that the Albanians claim that they are between 30 to 40 percent of the population. The Government of Macedonia says they are only 23 percent. These numbers are important, because if the Albanians are 30 to 40 percent then they are hugely underrepresented at almost all levels of Macedonian society and many areas of employment.

The demand that they receive equal rights under the constitution is also linked to their numbers. Their language was not officially recognised in the Constitution, and the country was referred to in the Constitution of being the country of the ethnic Slav Macedonians.

Because of the wording of the Constitution, the rights of the Albanian minority were often overruled by the Supreme Court: for example, the mayor of Tetovo was jailed for raising the Albanian flag, the right to use the Albanian language in court had been set aside in a number of cases because only Macedonian is the official language, the language of public authorities of the national government was in practice limited to the Macedonian language, etc.

In a detailed 1998 report by the Helsinki Committee on human rights, it was found that in the public/state employment sector, only 7 % of employees were Albanian. Only 7 % despite Albanians being around 30% of the population, possibly even much more. Such an extreme example of exclusion from job opportunities should have rung an alarm bell a long time ago, because they have been obvious for a decade. Albanians, despite being around a third of the population, are almost completely excluded in many categories of government employment.

Even in the Municipality of Tetovo where the conflict was at one point centered, with an Albanian population of around 85%, only approximately 17% of the government positions in that town were held by Albanian-speaking citizens.

University education in Albanian was also forbidden by the government. Albanians then tried a number of years to operate a private Albanian-language university. The government initially tried to stop them, and a number of people were killed during these events some 7-8 years ago. Eventually, a private university was permitted to operate, after a great deal of pressure from Europe and the US.

The situation in Macedonia was in many respects even sharper than in Sri Lanka. According to the human rights standards mentioned earlier, where you have a substantial linguistic minority, public authorities must proportionally use their language. A Macedonian-only language policy by national authorities (local governments could use Albanian in some situations - in theory) was clearly a violation of this right, as was the refusal to respond to the requests for an Albanian-language public university.

It is a violation of a right which has its foundation on the prohibition of discrimination. In effect, such a language preference by the government was clearly and very dramatically detrimental to many Albanians in terms of access to jobs, in an unjustified or unreasonable way.

The demand for equal rights under the Constitution was therefore a demand for a more proportionate use of the Albanian language by public authorities which would be the proper application to the use of a minority language by public officials where numbers are substantial. That is the principle of proportionality that you find in documents like the Framework Convention on the Protection of National Minorities.

This issue then is not simply about cultural demands. The Albanians demand, like the Tamils in Sri Lanka before some of them reverted to violence, was for greater use of their language. This is closely linked to concrete, real benefits.

In the case of Macedonia, for example, the consequence of "equal rights", of non-discrimination in terms of language use by public authorities, would mean that in many parts of Macedonia where the Albanian minority would be concentrated, public officials would have to be able to provide their services and interact with the language of the local population - namely Albanian.

The government should, for example, have officials who are bilingual, or can speak Albanian in places like Tetovo. In other words, the percentage of Albanians employed by the government, instead of 7 %, would have to become much higher. That is the consequence of non-discrimination and the language rights of minorities in Macedonia, and that ladies and gentlemen would mean rectifying what is probably the most central factor which was fuelling this conflict, just as it did in Sri Lanka.

So this is the link between respect for the human rights of minorities and instability leading to conflicts around the world. The violation of the human or language rights of minorities do not cause conflicts necessarily: they prepare the field however, which nationalist or separatist elements can exploit, or where even a very small, completely unexpected event may burst in uncontrollable violence because of the long simmering anger and frustration, caused by governments that quite directly, if not consciously or voluntarily, are in breach of basic human rights norms in the area of the rights of minorities.

It is generally when minorities are subjected to discrimination, denied freedom of expression, are unable to use their language according to the proportionality principles by public authorities, that these movements gain strength and support to the point that an ethnic conflict may develop.

Widespread discrimination, denial of rights in relation to language use, these were the factors which provided the deep-rooted sources of tension in conflicts such as Turkey, Sudan, Algeria, the Philippines and others around the world.

Once a conflict has started, it becomes extremely difficult to resolve it, and complying with these rights may no longer be sufficient to turn the tide. But before violence has reached that level, before the communities have become distrustful, divided and polarised, respect for these human rights in relation to language may be enough to maintain a peaceful, democratic society based on the rule of law, but without the "tyranny of the majority" as would have said Alexis de Tocqueville.

The view that the identity and languages of minorities should be erased, discredited or ignored is the one which should be treated as a "relic of the past".

The old traditional liberal and Marxist positions were in fact based on intolerance and rejection of difference, they were based more on views of cultural and even racial superiority of the majority. The days of simply accepting that the majority

language is the language of domination – Siempre la lengua fue el compañera del imperio as Antonio de Nebrija famously wrote in his *Prólogo a la Gramática de la lengua castellana* more than 500 years ago – are over, must be over.

This is now being replaced by values of tolerance, acceptance and accommodation, of dialogue and of unity in diversity.

These are the values of this millennium, these are the principles being increasingly accepted and adopted in Europe, the new Europe, and these are the approaches which are being increasingly implemented both in theory and in practice in many other parts of the world.

There have been in the last decade significant and numerous developments in Europe that signal a rejection of the old nationalism – not of the old Europe, just old nationalism – with a approach linking language diversity with respect for the rights of individuals.

These developments present a recognition that a modern democratic state must be based on respect: respect of human diversity, respect of the centrality of language and culture, and respect of our fundamental human rights which also include linguistic rights based, for example, on freedom of expression and non-discrimination.

They all signal a definite trend towards agreement on the need to adopt constructive measures for the use of minority languages.

The same sort of agreement, the same principles are to be found in specialised documents requested by the OSCE known as the Oslo Recommendations Regarding the Linguistic Rights of National Minorities and the The Hague Recommendations Regarding the Education Rights of National Minorities, as well as in United Nations documents such as the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Even the European Union has entered the picture, from a political and legal point of view. In addition to the numerous, though non-binding, resolutions of the European Parliament dealing with “regional languages and cultures”, “ethnic minorities”, “minority languages”, or “linguistic and cultural minorities”, the EU is supporting a number of programmes and initiatives dealing with minority languages under its cultural powers.

But it has even more recently gone further, by making respect of human and minority rights one of the “political criteria” for admission of states to the Union, and may also refer to linguistic diversity in the new Constitution, confirming the widespread acceptance of the “standards” contained in these documents to the point that they are seen as a necessary framework of the new emerging Europe.

Even more striking has been the developments with the Council of Europe adopting two important legal instruments, two legally binding treaties, the European Charter for Regional or Minority Languages, and the Framework Convention for the Protection of National Minorities which put the force of law into concepts of linguistic rights and language diversity.

To summarise what all of these developments agree upon, there are four basic principles which one can identify, principles which have in my view completely replace the idea of "ethnic trash" and "national relics of the past" which liberal individualism and Marxism believed had to be eliminated in the name of progress and civilisation in Europe.

First. Fundamental to European democracies is the principle that states must respect cultural and linguistic diversity. This means more than just tolerance but also use of a language as far as is reasonably possible, and this is especially true in relation to language which is central to all human societies. Homo sapiens are after all language animals.

Second. Pluralism and respect for individuals means that linguistic and cultural preferences must be acknowledged and accommodated, rather than ignored or even suppressed. Support which reflects the interests and wishes of the users of these languages is essential to their preservation and development, as far as is reasonably possible.

Three. The fundamental principle in relation of the private use of language is individual freedom. Public authorities cannot suppress or restrict one's private language preferences.

Four. The fundamental principle involved when dealing with the use of minority language by public authorities, including state-provided public education in a minority language, is proportionality. Roughly speaking, the greater the number of speakers of a minority language, the greater use must be made of that particular language by public authorities. That is proportionality. All documents from the OSCE, from the Council of Europe, from the European Union even, focus more or less explicitly on the number and concentration of speakers of a particular language, not on the degree of knowledge or ability in the official language, nor indeed the manner in which they have acquired knowledge in a minority language.

One must be realistic: you cannot expect public officials to use to the same extent a language spoken by only 100 persons with another language used by one million. In fact, that would be to treat identically situations that are quite clearly substantially different, and that could breach the principle of equality without discrimination as recognised in human rights documents.

So if a Hungarian speaker decided to move to Catalunya, the fact that it is not a traditional language here and spoken by so few people in the country means that public officials would not have legal obligations to provide their services in the Hungarian language as they would with Castilian or Catalan, even though as individuals everyone is entitled to equal respect.

These principles are the building blocks of the new Europe, the building blocks of democratic societies based on tolerance, respect for diversity and the human rights of minorities. They are the roadmap to peace based in showing how language diversity can be treated in a way consistent with human and minority rights. They are also the law.

Yet much remains to be done, there are challenges ahead in many parts of Europe order to ensure that progress continues. There are countries where governments do not seem to understand or appreciate these principles. There are States that in fact, right at this very moment, attempt to impose language policies that are direct violations of these principles.

This is probably because while there are treaties and other European documents which continuously repeat these principles, everything is not always well understood. There is still a legacy from traditional liberal and Marxist thought, of active repression or duress against minorities and their languages, of a certain frame of mind that cannot be magically corrected in a single day or a single decade.

The process by which the rights I have mentioned will be recognised and implemented may still be quite long, since it is in fact is a substantial change of the traditional liberal individualism and Marxism which still influences the minds of some political leaders. That the individual, the minority, has linguistic rights against the supremacy of the state is not always swallowed comfortably in certain milieu.

Yet these rights are not a threat. They exist in the spirit that difference and diversity should be perceived not as a handicap or a barrier, but as what they really are: a tremendous enrichment, a treasure to be preserved, and the reality of our humanity in all of its marvellous colours, textures and sounds.

There is only a minority problem when you have a political environment where minorities do not feel safe. The best way to avoid this is to create an environment where minorities are not threatened or unduly disadvantaged, and that is a genuinely democratic society, one based on respect of human rights, respect of the rights of minorities, and respect for their differences. This is what Karl Popper called an open society, a society that is a way of living in which individual freedom, non-violence, protection of minorities and their identities and languages and protection of the weak are important values.

There is absolutely no doubt that this is where the treaties such as the Framework Convention on the Protection of National Minorities, the European Charter on regional or Minority Languages, and other documents such as the Oslo Recommendations on the Linguistic Rights of National Minorities are bringing us. They are providing the framework for rejecting the intolerance and bias of traditional liberalism and Marxism for a vision based on pluralism, tolerance and accommodation of human differences including language diversity.

They are painting the new tapestry for the millennium and Europe where a genuine pluralistic democracy is more than just majority rule. A genuine, pluralistic democracy is one based on respect for minorities and for others.

Peace and harmony in Europe and the world can only be built on the basis of respect for the other, for the human differences and diversity that are part and parcel of *la condition humaine*, our humanity. This message is the message of this millennium, it is one which has been recognised and practised in many European countries such as Switzerland, Finland and others. It is also the key to the peaceful solution of minority problems.

Many of us like to believe that we have evolved and become more tolerant of differences in our approaches and our acceptance of linguistic diversity.

Yet there are others whose words of wisdom would ring true today, even if they date back more than 1,000 years, and are also examples which suggest that respecting linguistic diversity, implementing the linguistic rights which we have examined this morning are not only morally appropriate conduct, they may also prevent the tensions which could escalate into threats to peace here in Europe and in other parts of the world.

To quote the words of Constantine the Philosopher, who with his brother created the Cyrillic alphabet, written in the 8<sup>th</sup> century of the Common Era:

Does not the sun shine equally for the whole world? Do we not all equally breathe the air? Do you not feel shame at authorizing only three languages and condemning other people to blindness and deafness? Tell me, do you think that God is helpless and cannot bestow equality, or that he is envious and will not give it?

In order to have *pax humana*, peace among humans, there must be *pax linguae*: a balanced and reasonable response to the reality of human linguistic diversity.