

# CHANGING LINGUISTIC LANDSCAPES

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Extended Abstracts (do not quote)

## Panel 1

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### **The Canadian and European experiences with entrenched language rights**

The study of linguistic pluralism has become a subject of interest amongst researchers and policy-makers. This interest is explained by the very large number of countries who must deal with the coexistence on their territory of different language communities. Linguistic diversity, although it may sometimes be a source of tension, is especially enriching for humanity. Every language is the reflection of a unique vision of the world and the mirror by which a linguistic community understands the society that surrounds it. The disappearance of a language constitutes an irreplaceable loss of a unit of our understanding of human thought.

Cultural and linguistic diversity affect the very foundations of human existence. It guarantees human dignity and the freedom for all to create and express their individuality and membership in a group. This paper will deal with the reasons that justify a State's intervention in matters pertaining to protection of linguistic diversity and the manner in which it will intervene. Taking as illustrations the approach adopted by Canada and some European countries we will

look at the similarities, if any, and differences in the approach chosen and try to determine if there is one or more ways to achieve the objective of preserving language diversity.

#### **A. STATE, DEMOCRACY AND THE RECOGNITION OF LANGUAGE RIGHTS**

As is the case for ethnic, racial and religious diversity, language diversity is often a factor of heterogeneity within a State. The challenge for most countries is to achieve the peaceful cohabitation of different linguistic groups within its territory.

Many States have opted to adopt laws in order to provide some protections for certain language groups. The guarantees granted to these groups can take various forms: in some cases it is but a mere tolerance, while in other cases there is a genuine effort to promote the language of these groups, if not a recognition of their right to territorial or institutional autonomy. State interventions in the field of language rights<sup>1</sup> can be classified under four main categories: pluralism, integration, assimilation and segregation.

*Pluralism* has for its objective the preservation of the identity of the language group. In adopting a pluralist approach, the State agrees to grant to linguistic communities some flexibility in the administration of their affairs even to the point of accepting a certain form of cultural autonomy, *i.e.* the right for these communities to manage those institutions that are essential to their development. In some cases, it can also lead to the creation of autonomous regions created on linguistic grounds. *Integration*, for its part, aims to unify the different linguistic groups that make up the population of a State by the adoption of special measures, for example the recognition of official languages. The intention here is to allow the minority language group to preserve its language in certain circumstances notably in its relation with the State apparatus. On the other hand, *Assimilation* aims to create an homogeneous society in terms of language. It requires that individual members of a minority language group abandon their language and their culture and adopt the language and culture of the majority group. This approach may even have as its objective the acceptance of a different official language than the one used by the dominant

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<sup>1</sup> In this paper, the term « language rights » is used to describe rights which explicitly guarantee to individuals the right to use a particular language in particular circumstances.

linguistic groups of the State. Finally, *segregation* is designed to marginalize and maintain in a state of inferiority the minority language group.

The recognition of linguistic diversity is often a slow and laborious process that is often challenged by the idea that two categories of interest can and must exist within a State if its unity is to be preserved: first, the interest of private individuals who thrive in the private sphere, and, secondly, that of the nation as a whole, irrespective of language or culture, which is represented in the public space by the sovereign State, that is the Government and its institutions.

This comprehension of the role of the State provides very little space for an analysis that would justify the existence of language rights for a minority group. Since States adopt policies and norms that apply equally to all citizens and which are linguistically and culturally neutral, they cannot discriminate against a particular language group. Indeed, only a similar application of governmental policies to all citizens can guarantee fairness between all linguistic groups. In the event that the linguistic specificity of a minority group is recognized, this recognition can merely be symbolic and should not be seen as imposing a compellable legal standard.

We must also bear in mind that for the majority linguistic group, the concept of "language rights" is often difficult to understand, because this group does not ordinarily require "rights" to protect its language and its culture. The majority group, by the public institutions it controls, participates fully in the development of the social and legal rules which apply to all citizens. Since, in their opinion, these rules entail no choice of value and apply uniformly to all, they can only guarantee the equality of all citizens whatever their language or culture. For the majority group, a democratic and egalitarian society is one that ensures that every citizen will have equal access to the decision making process in the public space and which also guarantees the existence of a private space in which each individual can exercise his personal autonomy and establish his or her own choice according to his or her own values. In the public sphere equality dictates that one language should be use, while the private sphere can accommodate the use of different languages. The State must not jeopardize this fragile balance, which is essential, according to this theory, to life in society.

However, by agreeing to grant rights to a minority language group, the State acknowledges that there is a linguistic imbalance between the minority and majority languages.

It also recognizes that it has a positive obligation to take action in order to maintain the language and culture of the minority. When it recognizes rights to a minority language group, a State accepts, at least implicitly, that the rule of the majority may not always ensure that the specificity of the minority will be recognised.

We cannot disregard the fact that languages play an important role in the identity of individual and of the linguistic group to which this individual belongs. Language facilitates the flow of values and of traditions giving to language a certain political value. Language is a fundamental element of the activity specific to the individual. It provides a coherent form to human thought and it makes possible social organization. It is the expression of a community of interest within a group. It is therefore not surprising that communities governed in a language that is not theirs feel, in general, alienated and that this therefore constitutes a potential source of political and social unrest. In addition, language, as the color of the skin, can become an easily visible label for those who seek to make a group the scapegoat for decisions that are fundamentally foreign to issues of language and race.

As issues concerning language can be a source of political tension, the normal tendency for the State would be to intervene the least possible in this area. Ideally, the State might even wish to deny the existence of any language differences and seek instead a policy of assimilation of the minority language groups. If, however, the State decides to pursue a policy that recognises its linguistic heterogeneity, its choice of actions will be influenced by many factors. One of the most important will undoubtedly be the demographic weight of the minority community, which will determine its strength or weakness in regards to the majority community. The geographical concentration of the minority community will also be an important factor. If the members of the minority community are isolated or scattered, they will have difficulty in making their voice heard and in exercising a political force. History is also a significant factor insofar as it explains certain political decision and creates a certain social cohesion amongst individuals members of a community. The political weight of the minority group and its economic strength are also factors to be taken into account. Finally, the minority group should also be animated by a desire to preserve its language. Indeed, of what use are language rights if the minority community does not want to preserve its language?

The State will also have to choose between an approach based on the concept of "territory" or one based on the concept of "personality". The approach based on the concept of "territory" assumes that the use of a language is closely linked to the concentration of the users of this language in a given geographical territory. According to this approach, services in the language of the citizen will be available only in a region or in a few areas that will be defined geographically and nowhere else. The territorial approach thus promotes unilingualism within a specific territory. This approach derives its logic from the fact that usually speakers of the same language tend to congregate geographically, which should normally ensure that State borders would coincide with "language" borders. Therefore, people living on a territory should normally speak the same language, and those who settle there will be required to use in the public space, the dominant language of the territory. The use of any other language being restricted to the private space.

The "personality" based approach is concerned rather with the possibility to use two or more languages on the same territory. The individual is not limited in the use of his or her language by a geographical territory, but can, in theory, exercise his or her right throughout the State's territory.

However, things are not always as simple as they seem. For example, the concept of "territoriality" does not necessarily lead to unilingualism and it often forces the State to take into account the interests of other languages present in the designated territory. Moreover, the "personality" based approach is often circumscribed by regional considerations. For example, in some regions the absence of speakers of the language of the minority makes its use, although recognized in theory, impossible in practice.

With these remarks in mind, we will now proceed to analyze the situation in Canada and compare it with the situation in some European countries. We will note first that Canada has adopted an approach that is difficult to classify in one of the categories described above. In some situation the Canadian approach is based on pluralism. For example, the province of Québec is the only province in Canada with a French language majority and, because of the federal nature of the Canadian state, it can exercise control over many institutions that are central to the development and enhancement of its majority language, which is also a minority language in Canada and, for that matter, in North America. In regard to French language minorities outside

Québec, the Canadian model is more akin to an approach based on integration, although, in some areas, education for example, the approach can be described as pluralist. Finally, in regards to aboriginal people and new immigrants, the model seems to be one of assimilation.

In regards to Europe, it is more difficult to find a model that applies to all countries. For example, France seems to have adopted a model based on assimilation, while other countries have adopted an approach that seems, in some regards, to be pluralist.

The Canadian model also seems to be centred on a “personality” based approach, although in the case of Québec the approach is both “territorial” and “personal”. Most European countries tend to adhere to a “territorial” approach when dealing with language.

It will therefore be difficult, if not impossible, to define a uniform approach to language issues. Every situation has to be analysed in its own context.

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## **The understandable language in Belgian civil proceedings – The wrong way<sup>2</sup> (extended abstract)<sup>3</sup>**

The multilingual reality is no longer an exception. It became a society norm. Although the Belgian Act of June 15, 1935 regarding the languages used in judicial proceedings<sup>4</sup> primarily focusses on the three Belgian official languages, i.e. the French language, the Dutch language and the German language. Light will be thrown on the Belgian language history and the current public language structure. Afterwards, throughout a general overview of the Language Act, I shall try to reveal some disturbing effects. Finally I propose some possible solutions to relieve the Belgian language situation.<sup>5</sup>

### **1. The current public language structure and a brief historical approach**

A historical context is interesting but may not prevail in the search for the best solutions for future language protection.<sup>6</sup> In order to see the Belgian language division in its true context, we have to go far back in history. CULLEN explains that ‘the linguistic frontier between Romance and Germanic languages was fixed at the point of maximum (stable) Roman conquest. It remains

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<sup>2</sup>I thank the admirable Åland Islands Peace Institute. My hope is that this Conference may bring us closer to an ideal common, global and just language protection situation.

<sup>3</sup>The present extended abstract is a draft copy.

<sup>4</sup>*Moniteur belge*, June 22, 1935. Hereafter called “Language Act”.

<sup>5</sup>In my point of view there are possibilities to obtain a broader focus on the understandable language. There is indeed an external language tension between the official language and the understandable language of the citizen (not corresponding to that official language). The understandable language is considered as the ‘own’ language of the citizen that he or she wants to use in judicial matters. The understandable language should have an inner quality. Actually the understandable language is sometimes taken into consideration, but without employing fair standards to its determination. I consider this last tension as an internal language tension. In other words, one should think about a larger application of the understandable language (vis-à-vis the official language) and about a just concretization of the understandable language.

<sup>6</sup>An overemphasis of history may unearth buried language frustrations.

at this point, essentially, today.’<sup>7</sup> After the fall of the west Roman empire, Germanic languages were spoken in the northern part of the Frankish empire, while Roman languages dominated in the southern area. In 1830 Belgium became independent from the Netherlands. One of the causes for the desire of the southern provinces to become independent, was the increasing use of Dutch in the administration. The main official language in that new State was French. The everyday language in the north was Flemish while Walloon dialects were spoken in the south. In the north, the supremacy of the French language soon started to cause resentment. In the 19th and 20th centuries, several language laws in judicial and administrative matters were passed. After the First World War, the Treaty of Versailles of 1920 transferred the German cantons of Eupen, Malmedy and Sankt Vith on a provisional basis to Belgium. In 1925 this region was included permanently in the Belgian State. The principle of territoriality was introduced in Belgium in 1921, and confirmed in 1930 and 1962. This means that language regions were outlined: the language for each region was the language spoken by the majority of the population. The Belgian Constitution splits the country into three communities: the Flemish Community, the French Community and the German-speaking Community.<sup>8</sup> In 1970, four language areas were established: the Dutch language area, the French language area, the bilingual (French and Dutch) area of Brussels-Capital and the German language area.<sup>9</sup> Belgium has no unique lingua franca. French, Dutch and German are used in the official life of their specific territories. Theoretically, the Dutch, French and German languages are not indicated in the Belgian Constitution as official languages. Nevertheless, because of that constitutional demarcation of language areas, Dutch, French and German obtained an official character. However, section 30 of the Belgian Constitution also enshrines the right to use any language. This right may be limited only by legislation and only for acts of public authority or for legal proceedings. These exceptions may be imposed by the federal authority and thus for the whole country.<sup>10</sup> According to the interpretation of section 30 of the Constitution, the government must (only) ensure that the residents of a certain language area can conduct their legal proceedings in the language of that area. Thus, this interpretation of the freedom of language is strongly influenced by the territorial character of language protection.

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<sup>7</sup>R. CULLEN, ‘Adaptive Federalism in Belgium’, *University of New South Wales Law Journal* 1990, 346 at 348.

<sup>8</sup>Sec. 2 of the Belgian Constitution, 1994. Sec. 3 establishes three regions, territorially determined. The regions have powers in matters such as the environment and they will not be further discussed in this article.



## 2. An overview of the Belgian language use in civil proceedings and of some disturbing effects<sup>11</sup>

The Language Act contains a mixture of, on the one hand, a severe territoriality principle<sup>12</sup> regarding the language of the proceedings and the service of documents, and, on the other hand, a personality principle<sup>13</sup> concerning the language spoken by the citizen in court. The language rules are not to be taken lightly: if they are violated, the proceedings are null and void *ex officio*.<sup>14</sup>

**The language of the proceedings.** The principle of territoriality and the principle of monolingualism are two main rules in legal proceedings in Belgium.<sup>15</sup> In the civil, commercial and labour courts in the French-speaking provinces<sup>16</sup> or in the French-speaking districts,<sup>17</sup> the entire procedure takes place in French.<sup>18</sup> The same principle is applied to the Dutch-speaking provinces<sup>19</sup> and in the Dutch-speaking district,<sup>20</sup> where the entire procedure is conducted in Dutch.<sup>21</sup> In the courts of the German language district,<sup>22</sup> all procedures are conducted in German.<sup>23</sup> In the courts of Brussels, proceedings are principally<sup>24</sup> initiated in French when the defendant resides in the French-speaking part of the country, in Dutch when the defendant resides in the Dutch-speaking area, and in French or Dutch (at the plaintiff's choice) if the defendant resides in the Brussels-agglomeration or when he or she has no known residence in

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<sup>9</sup>This has been reiterated by the 1994 Constitution, sec. 4.

<sup>10</sup>See for instance the Language Act.

<sup>11</sup>The Belgian language history and the current public language structure are reflected in the current language use of civil proceedings.

<sup>12</sup>The rule as to the language used in a certain area follows the accepted language limits and does not consider the own language of the person living in that area.

<sup>13</sup>The language of every person will be respected, regardless of the residence of that person.

<sup>14</sup>Sec. 40 of the Language Act.

<sup>15</sup>See. B. DEJEMEPPE, 'Une langue peut en révéler une autre', *Journal des Tribunaux* 407 (2009), case note on Cass. 22 May 2009 and the mentioned references; D. LINDEMANS, 'De eentalige akte in de Gerechtstaalwet', *Tijdschrift voor procesrecht en bewijsrecht* 322 (2008); D. LINDEMANS, 'Schipperen tussen taaleigenheid, anderstaligheid en aantasting van eentaligheid', *Rechtskundig Weekblad* 672, (2009-10), case note on Cass. 22 May 2009 and the mentioned references; P. VERGUTS, 'Taal van de procedureakten: Dura lex sed lex', *European Transport Law* 220 (2004), case note on Court of Appeal of Antwerp, 2 February 2004.

<sup>16</sup>Hainaut, Namur, and Luxembourg.

<sup>17</sup>Nivelles, Liège, Huy and Verviers.

<sup>18</sup>Sec. 1 of the Language Act.

<sup>19</sup>Antwerp, East Flanders, West Flanders, and Limburg.

<sup>20</sup>Leuven.

<sup>21</sup>Sec. 2 of the Language Act.

<sup>22</sup>Eupen.

<sup>23</sup>Sec. 2bis of the Language Act.

<sup>24</sup>There exists an "extra muros rule-exception".

Belgium.<sup>25</sup> For purposes of making statements to the court, or lodging objections or presenting an address to the court, the party can use the language he or she prefers.

**Changing the language of the proceedings.** The possible changing of the language of the proceedings is only a matter of the existing Belgian official languages.<sup>26</sup> There exist two ways to ask the change, each with a different scope and with different application conditions. Firstly, the parties may jointly request the change of the language of the proceedings.<sup>27</sup> Secondly, in some cases the defendant may ask that the proceedings continue in the other language. The appeal for the change of the language of the proceedings may generally be rejected if the applicant has a sufficient knowledge of the language of the proceedings.<sup>28</sup>

**Service of documents.** If service of procedural documents written in French, Dutch or German must be effected in another language area, a translation should be added *in the official language of that other language area*.<sup>29</sup>

All German documents served in the bilingual area of Brussels must be accompanied by a translation in Dutch *and* in French. In our view this rule is inconsistent and not in line with the principle of procedural economy.

The translation rule is not applied to the appeal in cassation (which is the appeal to the highest instance – the Court of Cassation – on a point of law). This exception is categorical in terms of result. In fact, there is no language protection at all for the service of the appeal in cassation. Therefore the exception contrasts sharply with the general rule of Sec. 38 of the Language Act.

The discrepancy between the language protection of the service of documents and the oral language protection in court seems not balanced to me.<sup>30</sup> The same incongruity occurs when a party asks and obtains the change of the language of the proceedings; he or she may not understand the language of the writ of summons but (after the accepted language change) that initial language trouble is not regulated.

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<sup>25</sup>Sec. 4 §1 of the Language Act.

<sup>26</sup>So, the Dutch language will eventually be replaced by French or German, French by German or Dutch, or Dutch by French or German.

<sup>27</sup>Sec. 7 § 1 of the Language Act.

<sup>28</sup>Unfortunately the Language Act does not define the words ‘sufficient knowledge’. By virtue of Section 4 of the Language Act the judge must take into account the elements of the cause. Naturally, the “elements of the cause” risks to leave the door wide open to unclear standards.

<sup>29</sup>Sec. 38 of the Language Act. Here again, the translation is just a matter of the existing three Belgian official languages.

<sup>30</sup>It is like if a written (and moreover “at distance”) language protection injustice would be more acceptable...

### 3. Possible solutions to relieve the Belgian language situation<sup>31</sup>

In my point of view there is a possibility to pay more attention to the understandable language<sup>32</sup> of the citizen and its inner quality.

**Official languages may incline towards understandable languages.** By that inclination I understand the conceivable augmentation of the chances of coinciding languages (official language and understandable language). The superposition of the official languages could increase those chances. Once all official languages superposed, the language change processes – the joint request or the request of the defendant – could be more fluently generalized and uniformized.

**Official languages may be left.** About the language of the proceedings, I shall pay attention to a beautiful<sup>33</sup> German project<sup>34</sup>, and summarize and comment a few points Huber wrote on that subject.<sup>35</sup>

About the service of documents, there is in my opinion no other way out: legal documents should be translated in a language the addressee understands. The European Court of Human Rights has dealt with linguistic rights under different rights guaranteed by the Convention but has not yet had the opportunity to rule on the issue of language rights with specific reference to a fair civil trial. So, the question remains whether the right to language (including the associated right to translation or interpretation) is a right in itself, or whether it is one of the elements to the right to

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<sup>31</sup>National language solutions in civil proceedings should not be different from language resolutions on an extra national level, for instance the European language situation. When one thinks of language protection and of the use of language in a particular country, one might consider the place of official languages of particular importance. In multilingual states the relation between the various official languages poses indeed interesting questions. However, the relation between the use of official and non-official languages is not fundamentally different in a single-language and a multilingual state.

<sup>32</sup>The intermediary language protection (this means that the party is protected in an indirect way of translation or interpretation) quality taken for granted, my standpoint is that source language protection (this means that the party is protected in a direct way) or intermediary language protection offer the same protection. This is my first intuitive conviction that is certainly far too strongly expressed. The hopeful part in my standpoint is that the language protection (source protection or intermediary protection) itself knows no limit; only the fair boundaries between source and intermediary protection must be determined. The word “only” takes nothing away from the difficulty to define language minorities and majorities.

<sup>33</sup>Despite the fact that this project has been established on the basis of a competitive international struggle between England and Germany to make the respective forums and laws attractive. There was a fear that the use of German as the language of the proceedings might be a grave disadvantage.

<sup>34</sup>In May 2010, the German parliament adopted a bill that allows to establish special court chambers for transnational commercial disputes where the proceedings can be entirely conducted in English.

<sup>35</sup>See S. HUBER, “The German Approach to the Globalisation and Harmonisation of Civil Procedure: Balancing National Particularities and International Open-Mindedness” in X. KRAMER en C. VAN RHEE (eds.), *Civil Litigation in a Globalising World*, Den Haag, Asser Press, 2012, 295-297 and 305-312.

a fair trial. In my essential opinion, there is no margin: a non-observed right to language is a non-observed right to a fair trial.

**An understandable language with inner quality.** What specific language corresponds to the understandable language of the citizen? It makes no sense to insure the understandable language if that understandable language is concretized in an invaluable way. Our concern is to organize the inner quality of the understandable language. Instead of the 'carpenter's eye' of the judge we need a more stable and just norm to determine the understandable language. I am convinced that the external language appreciation by the judge should be substituted for an internal appreciation by the person concerned. Who else but the party may in fact have something to say about his or her own language?

**Concretization of the “understandable language plan”.** Concerning the above mentioned external an internal language tensions, it will not be easy to enlarge the scope of the existing official languages in Belgium or to leave an official language in favor of an ad hoc official language or to accept an understandable language only appreciated by the person mainly involved. I guess the official languages and their most fanatical followers suffer from separation anxiety.<sup>36</sup> The Belgian language situation seems currently irreversibly stuck. To promote *real* language protection in civil litigation, I think the European Union must seriously consider the mobility of European judges on the European territory.<sup>37</sup> About the concretization of the inner quality of the understandable language I personally think about the realization of individual language identity cards.

## **Conclusion**

A ‘selective incestuous language protection’ would be an appropriate description of the Belgian language protection. ‘Incestuous’ because of the fact that the language protection always leads (or better: returns) to an official language. And ‘selective’ for the reason that there is no superposition of those three languages<sup>38</sup> and that therefore language protection only serves particular language concentrations (the language areas themselves or the municipalities with

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<sup>36</sup>There are three fears of death: the fear of suffocation, the fear of falling, and the fear of being who one really is. The separation anxiety is certainly a variant of that last fear.

<sup>37</sup>Moreover, it will become much less difficult in the future to embrace the Belgian law that will of course be more and more submitted to the European harmonization.

<sup>38</sup>See the thoughts of H. DE SCHUTTER, “Let’s Brusselize the world!” in A. Grosserier and Y. Vanderborcht (eds.), *Arguing about justice - Essays for Philippe Van Parijs*, 2011, 199-206.

linguistic facilities). There does not exist any modern creative, practical and useful language protection evolution in Belgium. Moreover, it has been pointed out that the strict territoriality principle, as prescribed by the Language Act, may possibly not survive the test of the right to a fair trial.

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## **Linguistic rights of persons belonging to national minorities in Lithuania in the light of constitutional concept of state language**

### S U M M A R Y

On January 6<sup>th</sup>, 2011 in the Dutch newspaper “de Volkskrant” in the article *Where minorities must hold their tongue* J. Hunin after traveling in the Baltic states described his experience. This Flemish journalist outraged that Lithuania, which has a significant number of the population with Russian and Polish origins, does not guarantee much linguistic rights for national minorities, e.g. use their own language in public. The situation remains problematic today as well.

According to the census of 2011, every sixth inhabitant of Lithuania belongs to a national minority. National minorities constitute 16.1% of the Lithuanian population. The largest minorities are Poles – 6.6% and Russians – 5.4%. There are also Belarusians – 1.3%, Ukrainians – 0.6%, Jews, Latvians, Tartars, Germans, Roma and other ethnic groups.

Currently the issue of minority rights are one of the most contentious issues in the socio-political life of Lithuania. This is due to a number of issues related to state’s public life, its political culture, the official interpretation of history, etc. Not only neighbor countries (especially Poland) express their concern over the problem of the protection of linguistic rights of national minorities in Lithuania. It became the subject of interest of the international community. In November 2011 and in February and March 2012 OSCE High Commissioner on National Minorities Knut Vollebæk paid a working visits to Lithuania to examine the situation of national minorities in Lithuania.

Before January 1<sup>st</sup>, 2010, rights and freedoms of national minorities in Lithuania were regulated by the *Law on National Minorities* adopted back in 1989 and amended by the Supreme Council of the Republic of Lithuania in 1991. On January 1<sup>st</sup>, 2010, the *Law on National Minorities*

expired and currently no project of the new regulation is considered in Lithuanian Parliament (Seimas).

The aim of this presentation is to point the legal and actual situation of the protection of the linguistic rights of persons belonging to national minority in Lithuania – the use of minority languages in public and in private, the right to use their first name and surname in their own language, the right to display topographical indications also in the minority language and the educational rights, especially in the context of later change of the Education Law.

### ***Constitutional concept of state language***

Article 14 of the Constitution of Lithuania: “Lithuanian shall be the State language”.

Article 37: “Citizens belonging to ethnic communities shall have the right to foster their language, culture, and customs”

### **1. The use of the national minority language in public**

Provisions on the use of minority languages in relations with the administration authorities and public services as well as in the public area, i.e. the right to display traditional local names, street names and other topographic indications in the minority language, were guaranteed by the *Law on National Minorities*. As it is no longer in force, currently there are no legal provisions, which would establish the right to use minority language along with Lithuanian. Although the 1989 *Law on National Minorities* recognized these rights, the *Law on State Language* provides exclusively for the use of the official language. Thus in practice the *Law on State Language* is considered as prevalent over the provisions of the *Law on National Minorities*. According to the Lithuanian authorities, the draft *Law on National Minorities*, which is currently discussed on the governmental level, contains i.a. provisions establishing the possibility to use the minority language for topographic signs along with the state language.

The representatives of minority in Lithuania (especially of Polish minority) strives to obtain consent for the use of Polish, spoken and written, alongside Lithuanian, in officially specified areas, in public administration offices and institutions, meaning that officials would have to

respond to oral and written queries addressed to them in Polish – in the same language. It is not a goal to obtain concession for official documents in minority language – they would still be exclusively in Lithuanian.

## **2. Displaying street names and other topographic indications**

The Lithuanian politicians initiated a number of legal actions demanding the removal of bilingual inscriptions in Vilnius district in 2008 (the use of bilingual inscriptions was permitted by the *Law on National Minorities*). The Supreme Administrative Court of the Republic of Lithuania satisfied the unfavourable to national minorities' demands as well as the ruling ordering to remove bilingual plates. Authorities drew the state administration and bailiffs into the conflict. In March 2009 the Vilnius' district self-government removed signs with street names spelled in Polish - similar situation occurred in the Salcininkai district in October 2008. Despite these demands, local inhabitants are of the opinion that the situation is simply lawless and refuse to displace the bilingual topographic subscriptions with subscriptions only in Lithuanian on their private houses (the representatives of Polish minority collects money to help people pay administrative fines).

According to the opinion poll from January 2011 63% Lithuanians want the bilingual inscriptions (in Lithuanian and Polish) in Vilnius district to be removed as soon as possible.

On the other hand the Lithuanian daily "Kauno Diena" (25.01.2011) in the article "What tourists in Vilnius are allowed to Vilnius' Poles are not entitled to" showed many examples of usage of bilingual informative signs in Lithuanian capital and on tourists routes. According to the article the Old Town is the example of the double standards in this matter (there are lots of signs e.g. in English, Russian, German, French - and according to the State Language Inspectorate it does not contradict the Law on the State Language<sup>39</sup> and its Art. 17: "*In the Republic of Lithuania public signs shall be in the state language*").

## **3. The use of one's own name in vernacular language**

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<sup>39</sup> The Republic of Lithuania Law on the State Language, January 31<sup>st</sup>, 1995, No. I-779.



The European Court of Human Rights in its case *Güzel Erdagöz v. Turkey*, 2008, stated that „the name is not only an important element of self-identification; it is a crucial means of personal identification in society at large”. It decided that the refusal of the authorities to accept the preferred spelling of a person’s name and surname violates the right to respect for private life as spelled out in Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

On April 8th, 2010, the Lithuanian Seimas rejected the project of legal act enabling the spelling of the names in Lithuanian documents in original.

On May 12, 2011, in case *Wardyn/Vardyn v. Lithuania*, the Court of Justice of the EU stated, that it is up to the legislation of each Member State to determine the conditions for entering, amending or writing the forenames and surnames in documents indicating civil status. Yet the problem of the original spelling of names and surnames of representatives of national minorities in official documents remains unsolved in Lithuania.

#### **4. Educational rights**

Despite the national minorities’ protests (the representatives of Polish minority collected 60.000 signatures under the relevant demand) the new *Law on Education* was adopted on 17<sup>th</sup> of March, 2011.

The Act was adopted in spite of frequent reservations voiced by Polish authorities, who pointed at the possible breach of bilateral obligations adopted by Lithuania, *inter alia*, in the Treaty between the Republic of Poland and the Republic of Lithuania on friendly relations and good neighbourly cooperation, dated 1994.

The new law envisages some provisions that were not effectively consulted with the representatives of national minorities: compulsory teaching of Lithuanian history, geography, science and civil society subjects in the schools of national minorities in the state language; introduction as of 2013 the same Lithuanian language secondary school leaving exam for Lithuanian and national minority schools without prior changing the existing curriculum;

optimization of the chain of schools in case of not achieving the approved number of pupils per form at the minorities schools expense.

In opinion of the representatives of Polish and Russian minority the law is discriminatory towards national minorities schools, it prejudices their situation and restricts possibilities of using vernacular language. Therefore in the opinion of representatives of Polish minority, it will lead to the closure of the half of Polish schools in Lithuania.

#### *Bilateral Commission of education experts*

In September 2011 upon the initiative of the Prime Ministers of Poland and Lithuania D. Tusk and A. Kubilius the Polish-Lithuanian commission of education experts was formed. After three-month work in December 2011 its work ended in failure. The experts groups released separate statements.

#### *The arguments of Lithuanian side*

With regard to the argument of Lithuanian authorities that 42% of representatives of ethnic minorities have experienced problems on the labour market, it should be underlined that in the conducted survey the aforementioned “42%” reflected only the opinion of respondents, not their own direct experience of crucial problems faced while applying for job or trying to improve their own situation on the labour market. This answer reflects only the concern of respondents and existing myths rather than real situation.

Only 3.9% of Poles indicate the insufficient knowledge of Lithuanian language as the reason for their unemployment. The Institute of Labour and Social Research in Vilnius (the author of the mentioned research) confirmed that the research results quoted by Lithuanian authorities do not correspond with the real situation.

#### *Conclusions*

The question of the protection of national minorities is part of a wider discussion on “Lithuania’s problems with human rights.”<sup>40</sup> The Alternative Report prepared by Human Rights Monitoring Institute in Vilnius for the Committee on the Elimination of Racial Discrimination on the occasion of its review of Lithuania’s Fourth and Fifth Periodic Reports under the International Convention on the Elimination of All Forms of Racial Discrimination<sup>41</sup> underlines the trend of deterioration of the human rights situation in the country since the accession to the European Union in 2004. It is accentuated that Lithuania is characterized by a low level of human rights awareness among decision-makers, public servants, judiciary, media and population and that the state has yet to develop an efficient institutional and legal framework for the protection of human rights. The issue becomes a matter of concern of the international community.

The mentioned report pointed out that decisions on national minorities’ policies are commonly adopted on the *ad hoc* basis, without a clear sense policy direction or a precise goal to be achieved. The same document stresses that there was no rational argument against native spelling within Latin alphabet when in 2010 Lithuanian Parliament rejected the draft law on Spelling the Names and Last names in Official Documents

The Advisory Committee in its opinion on Lithuania (2003) regretted that the Lithuanian authorities did not consult representatives of the national minorities while preparing the State Report, which was submitted to the national minorities only after being transmitted to the Council of Europe. The Advisory Committee expressed hope that such consultations will be duly organised in future (clause 8). In this context, the necessity of the consultations with minorities and non-governmental organisations in the legislative process must be stressed<sup>42</sup>.

The issues of education of the Polish minority in Lithuania have also been raised in the European Parliament, where the Committee on Petitions is currently considering Petition 0358/2011 by Tomasz Snarski (Polish), on the amendment of the Lithuanian Education Act and the resulting limitation of the school subjects taught in Polish.

***The main recommendations on linguistic rights:***

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<sup>40</sup> See e.g. D. Jočienė, K. Čilinskas, “Žmogaus teisių apsaugos problemos tarptautinėje ir Lietuvos Respublikos teisėje”, Lietuvos Respublikos Seimas, 2004.

<sup>41</sup> Submitted on February 2011, p. 25.

- to retain the balance in the approach to language-policy development, to perceive the multilingualism among Lithuanian people in context of better integration and advantages;
- to adopt the Law on National Minorities that will guarantee the linguistic rights of national minorities.

***The main recommendations on educational rights:***

- to ensure the rule of equal educational chances: the period for the introduction of the unified State-language exam in minority schools should be prolonged, the use of different evaluation methods for minority pupils taking the unified exams requires further elaboration, the examination system for the transition period should be clarified;
- the mechanisms for communication and consultations with national minorities regarding implementation of the new Law on Education should be reinforced, especially consultations with the largest Polish minority;
- to involve into the current debate opinions of a wider range of experts about optional solutions in problematic questions.

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<sup>42</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion on Lithuania, Strasbourg, 21 February 2003, ACFC/INF/OP/I(2003)008.

## Panel 2

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### **Foreign-Culture-Oriented English in the texts of travel guides.**

Globalization coincided with the emergence of English as the global *lingua franca* (“Globanglization”). Globanglization made it necessary for all nations to use English as the national communicative “second string”. English becomes an easy means of reflection and promotion of indigenous cultures in the world. *Interlinguoculturology*, created by the Russian scholar V.V. Kabakchi, is a new linguistic discipline which aims at discovering the rules of adapting English to the needs of “external” (non-English-based) cultures.

The application of a language to a foreign culture by necessity requires certain adaptations of the language. Interlinguoculturology focuses on a specialized variety of English, called Foreign-Culture-Oriented (FCO) English. FCO-English is a universal phenomenon; it may be applied to any non-English-based culture. For example, the universality of FCO-English allowed the Russian linguists to extrapolate successfully the results of research to Spanish, Chinese, Armenian, Tuvina and other cultures.

«**Jerusalem, Mecca, Rome, Moscow** — all are places of pilgrimage, whether the faithful come to pray at the **Wailing Wall**, circle the *kaaba*, be blessed by the **Pope** or file past **Lenin’s** embalmed body in the great mausoleum on **Red Square**» (*Fodor’89*, p.131). In this example from the travel guide Jerusalem, Mecca, Rome, Moscow, the Wailing Wall, the *kaaba*, the Pope, Lenin, Red Square - these are specific elements of Jewish (Israeli), Muslim (Arab), Italian (Catholic), and Russian culture. The major problem of FCO- Language is to find adequate terms for these specific elements of the foreign culture. Therefore, verbalized elements of any culture are called *culturonyms*. Culture-bound culturonyms of the given (“internal”) culture are divided into *idionyms* (fr. Greek ‘idios’, “original”, “peculiar”):

Russian culture: царь, Кремль, самовар;

Finnish culture: sauna, Kalevala, kantele;

Estonian culture: saun, Kalev, Jannipäev;

and *xenonyms* (fr. Greek ‘xenos’, “strange”, “foreign”) in English, respectively: tsar, Kremlin, samovar;

sauna, Kalevala, kantele;

saun, Kalev, Jannipäev;

In other words, ‘царь’, ‘самовар’ are idionyms in Russian, but ‘tsaari’, ‘samovaari’ are xenonyms in Finnish, while ‘tsar/czar’, ‘samovar’ are xenonyms in English (Kabakchi, 1998).

FCO-Language, being a specialized variety of the language in question, gradually accumulates xenonyms of foreign cultures. In the case of Russian-Culture-Oriented English these have been gathered in V.V.Kabakchi’s book *The Dictionary of Russia* (2002) and their appearance in the most reliable English dictionaries has been checked. Most xenonyms are ‘technical’, being outside the layer of the common stock of the vocabulary, thus needing clarification. The universality of the phenomenon of FCO-Language allows us to extrapolate, let’s say, the rules Finnish-Culture-Oriented English or Estonian–Culture-Oriented English from the results of the research of RCO-English. The research continues the immense work that has already been done in the field of interlinguoculturology in application to the non-English based cultures. Broadly speaking, it will contribute to a better understanding of how local and ‘international’ (vehicular) languages, in our case, English as a lingua franca, interact in contemporary Finno-Ugric languages.

Though in the core of FCO-English lie the general rules, which can be transferred to other cultures, certain peculiarities exist in different cultural spheres. In these circumstances, a travel guide to a foreign culture can be something special and interesting for a researcher, because it is a perfect example of Finnish- and Estonian -Culture-Oriented English. English travel guides provide comprehensible descriptions of Finnish and Estonian cities, which are inevitably rich in specific xenonymic names of streets, main sights, city objects, local traditions, holidays and food.

So-called ‘authentic’ (original, not in translation) texts of travel guides, preferably written by native speakers of English, served the material of our research. The texts of the several authoritative guides and monthly periodical magazines to Finland and Estonia have been analyzed. The goal of this study was to find out and analyze how the specific elements of the city are being named, using English as a means of secondary cultural orientation.

While reading about foreign cities, we come across a lot of foreign proper names, like in this passage from *Fodor’s Guide*: “Just west of *Katajanokka*, *Senaatintori* and its *Tuomiokirkko* (Lutheran Cathedral) mark the beginning of the city center, which extends westward along *Aleksanterinkatu*. The wide street *Mannerheimintie* is comparable to New York’s Broadway, moving diagonally past the major attractions of the city center before terminating beside the Esplanade» (*Fodor’s*). For a reader, who has never been to the capital of Finland and is not familiar with the basics of the Finnish language, it would be quite difficult to guess what sights and city objects are hidden under these ‘strange’, complicated and unpronounceable, to their mind, Finnish names. However, the author employs some certain means of naming specific elements of culture, which help to understand of the abstract.

But now, let’s compare this passage with description of Helsinki’s center from another English travel guide: «The historic core stretches from *Senaatintori* (Senate Square) to *Esplanadi*. Senate Square is dominated by the Lutheran cathedral at its center, and *Esplanadi* itself is an avenue lined with trees. At one end of *Esplanadi*, the wide *Mannerheimintie*, extending for about 5km (3 miles), is the main road from the city center to the expanding suburbs. The section south of *Esplanadi* is one of the wealthiest in the capital, lined with embassies and elegant houses, rising into *Kaivopuisto Park*» (*Frommer’s*).

As you can see, the both passages refer to the same sights in the city center of Helsinki. However, the interested reader might have noticed that in these passages different ways of naming Finnish xenonymic names are used. For example, after reading the second passage, it becomes clear that *Senaatintori* denotes ‘Senate Square’; xenonym *Tuomiokirkko* is omitted at all and its English equivalent ‘Lutheran Cathedral’ is used instead. On the contrary, while speaking about Helsinki’s *Esplanadi*, the *Frommer’s* prefers not to use the English equivalent “Esplanade”, as in the *Fodor’s* travel guide. ‘The Esplanade’ here is being replaced by the more correct variant of the Finnish ‘*Esplanadi*’, followed by the explanation that ‘it is an avenue lined

with trees'. In the first passage, *Mannerheimintie* is illustrated as “a wide street comparable to New York’s Broadway”, in the second one – the description is more correct, clarifying that it is the main road, because the Finnish word ‘*tie*’ means ‘road’ and the Finnish word for ‘street’ is ‘*katu*’ ( like *Aleksanterinkatu* in the first passage). But anyway, the comparison of *Mannerheimintie* with New York’s Broadway is a perfect example of how *intercultural analogy* becomes a very easy and comprehensible way of the *xenonymic explication*. It helps to explain the meaning of borrowed xenonymic words in the context, while comparing sights, museums, buildings, parks, streets with other world famous objects in different countries.

Another interesting peculiarity of Foreign-Culture-Oriented English, which is observed in the *Frommer’s* passage as well, is the existence of such xenonymic hybrids as ‘*Kaivopuisto Park*’. The specifics of travel guides are the abundant use of *onomastic classifiers*. An onomastic classifier is a common component and the companion of the proper name, which refers this proper name to the certain kind of the elements of culture, thus helping to avoid ambiguity, e.g. New York City/State. There are several onomastic classifiers used in English travel guides: “river”, “lake”, “island”, “street”, “park” and etc. Being the classifier of the description language (in our case of the English language), the onomastic classifier ‘park’ is added to the Finnish xenonymic proper name ‘*Kaivopuisto*’. As the word ‘*puisto*’ already means ‘park’ in the Finnish language, the whole complex ‘*Kaivopuisto Park*’ becomes tautological, with the onomastic classifier being excessive here. But still this tendency is quite frequent in the texts of Finnish-Culture-Oriented English and is proved by other examples, such as ‘Ivalojoiki River’ (*joki*=river), ‘Vasikkasaari Island’ (*saari*=island). However, as the practice of FCO-English proves, the most widespread in travel guides is the classifier of the lexical group “Street” (prospect, square, road, and boulevard). These notions are directly incorporated in the texts, sometimes their translated variants are given in the italics, sometimes not, depending on the author’s choice and style: “Historic downtown Pärnu is defined by its main pedestrian thoroughfare, *Rüütli tänav* (Knight Street) (*Pärnu in Your Pocket*); «Climb *Pikk jalg* and you’ll find yourself on Castle Square (*Lossi Plats*)» (*Tallinn in Your Pocket*).

As we tried to show on the previous examples, the delicate interchange of Finnish and Estonian xenonyms and their translated variants are aimed to make the texts comprehensible to an English reader: *Senaatintori* (Senate Square), *Helsingin Yliopisto* (Helsinki University), *Kiek*



*in de Kök* (Peep into the Kitchen), *Toomkirik* (Dome Church), *Raekoda* (Town Hall) and so on. Finnish- and Estonian -Culture-Oriented English gradually accumulates the preferred xenonymic variants. And different variants of xenonymic nomination may coexist.

It is hard to imagine a travel guide to Finland and Estonia without a section about the Finnish sauna and the Estonian *saun*. In Russian-Culture-Oriented English it is also said much about the Russian bathhouse, or *banya* - “a cross between the Finnish sauna and the steamy Turkish bath” (Smith 1976). The Russian *banya*, the Finnish sauna and the Estonian *saun* have got much in common, though there are certain cultural variations in bathhouse procedures. “Though Estonia’s northern neighbor Finland is the undisputed sauna capital of the world, the practice of confining steam or heat to a confined area of bathing purposes is found in a number of world cultures. Japanese, Native Americans and Russians all have their versions of steam and sweat baths” (*Otepää in Your Pocket*). Moreover, the travel guide hints on the proto-Uralic roots of the Finno-Ugric cultures: “The Estonian *saun* is thought to come from a rural sauna tradition that extends from the Baltic region to the Urals, so it’s no surprise that the development of sauna culture and practices here has a lot in common with that of Estonia’s neighbours» (*Otepää in Your Pocket*).

Interesting enough but in Russian-Culture-Oriented English the Finnish xenonym ‘sauna’, which already belongs to the common layer of the English vocabulary, is frequently used in descriptions of the Russian *banya*: ‘One of the best ways to relax in the Russian capital is to take to the *banya*, something akin to a sauna. The *banya*, a kind of Russian take on the sauna, is a tradition you shouldn’t miss” (*Thomas Cook Pocket Guides*).

The certain elements of bathhouse ritual (idionyms) are present in various descriptions of Finnish-, Estonian- and Russian-Culture-Oriented English, which unite them. Firstly, it is steam. The Finnish xenonym ‘löyly’, the Estonian ‘leil’ and the Russian steam room or *parilka*, where steam is produced, are regularly mentioned on the pages of English travel guides: ‘The main element of the *banya* is the *parilka* (steam room) (*Russia & Belarus*); “After you’ve gotten used to the heat, it’s time for *leil*. You take the dipper and scoop some of the water from the bucket and pour it over the stones” (*Tallinn In Your Pocket*); “The person seated in the hottest part of the sauna – the upper bench – decides when the time is right to pour more water over the stove (*kiuas*), producing steam (*löyly*) and further raising the temperature” (*Lonely Planet*). Secondly, the Finns and the Estonians as well as the Russians use a ‘*vihta*’ (FIN), a ‘*viht*’ (EST)

or a 'venik' (RUS) to improve blood circulation and enhance the effect of heat in the bathhouse. This element of sauna ritual is frequent in the Finnish-, Estonian- and Russian-Culture-Oriented English descriptions. In *The Dictionary of Russia* by Kabakchi V.V. a 'venik' is 'switch of green birch twigs for the Russian bath steam room (Kabakchi, 2002). In the travel guide to Tallinn a 'viht' is also explained as 'birch branches to swat one's back, torso and limbs in sauna'. In Helsinki's travel guide a 'vihta' is characterized as 'a bunch of birch leaves to whip oneself over the shoulders in the sauna'. Birch twigs, leaves or branches are the common components, which regularly appear in the English descriptions of sauna, *saun* and *banya*.

These and other findings of the study proved that these and other principles of Russian-Culture-Oriented English can be transferred to Finnish-Culture-Oriented English successfully so that the Finnish culture and other Finno-Ugric cultures may use FCO- English effectively to reach a wide readership in the world. The formation of Finno-Ugric-Oriented English requires constant monitoring and attention of linguists. The introductory sketch provided here should be extended through the further research in the field of interlinguoculturology applied to the Finno-Ugric languages.

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### **Folk concepts of multilingualism and minority: A focus on Setos and Võros**

The paper focuses on the ways how speakers of Seto and Võro conceptualize both multilingualism and minorities and report on their multilingual practices. It draws on selected survey and interview data gathered within the ELDIA project (see [www.eldia-project.org](http://www.eldia-project.org)). Between December 2010 and May 2011, ca 600 respondents were questioned and 16 individual and 10 group interviews were done in South Eastern Estonia. In addition, 1000 questionnaires were sent to an all-Estonian control group with 363 completed and two group interviews were carried out with decision makers and journalists.

Our analysis departs from different paradigmatic choices, incl. social constructivism. By ‘folk’ concepts of multilingualism and minority we mean ideas or representations, which non-linguists construct and articulate resulting from their experience (see also Preston 2011). We contrast folk concepts with those of linguists but do not give preference to either of those. All types of discourses (public, academic, private) build up on each other and reveal linguistic representations which are politically more consequential than linguistic facts (Cameron 2006). Such representations usually result in discourses of hierarchy (Hult 2010). While we did not ask people directly what they mean when they say that someone is multilingual, the semi-public discourses of group interviews illustrate rather well how multilingualism is conceptualised: what languages are included to multilingual repertoire (What languages would it be good to know? Why?). On the other hand, we looked at reported language competence of respective minority languages, Estonian as a majority language and an official language, and English, Russian, Finnish, German, and other foreign languages. Similarly, we observe how informants have

conceptualised ‘minority’ in individual and group interviews. For that end, informants were asked what they think about the word ‘minority’, whether they are minority?

The target languages Seto and Võro are successors of ancient South Estonian which was a Finnic tribal language; the varieties are linguistically relatively close to each other and mutually comprehensible; they are similarly distinct from Standard Estonian which has been derived from historical North Estonian (Iva, Pajusalu 2004). However, the cultural difference of speakers of Seto and Võro is remarkable. The Seto people live in the south-eastern periphery of Estonia and the adjacent territories in Russia, they are Orthodox who value their traditions. The Võro people are mostly secular Lutherans; their identity is primarily based on their tongue (Eichenbaum, Koreinik 2008). Nowadays the overwhelming majority of Seto and Võro speakers are at least bilingual using Estonian in Estonia or Russian in Russia in addition to their local variety.

Attempts of standardization of those South Estonian varieties have faced both success and obstacles. A number of linguists and local activists have developed the Võro-Seto standard since the end of the 1980s. The standard has been also used for the emancipation of Võro which is considered as a dialect in public and academic discourses. However, when speakers’ missing agency (Koreinik 2011), and limited use of the standard are taken into account, success of the standardization seems questionable. Seto-speakers face rather similar problems: the newly created standard was not widely accepted, codification issues and different standardization options are discussed from time to time. While Võro-speakers consider themselves as bilingual Estonians, the ethnic identity of Setos is more complex.

The spread of imperialism/colonialism, economic/religious migration, increasing global communication, social/cultural identity and maintenance/revival of minority languages, education resulted in multilingualism. Another global phenomenon, namely the spread of English has concerned many authors (Phillipson 1992, but see Pennycook 2006). While societal multilingualism is rather a rule: the most of world population is multilingual (Edwards 1994), the most of western people are monolingual even being exposed to different languages at school (Gorter et al. 2002). Nevertheless, English is the most common foreign language in Continental Europe, and often, especially for the speakers of minority languages, it is the third or fourth language (Cenoz, Gorter 2005).

In our study, while acknowledging their own bilingual practices of Seto/Võro and Estonian, interviewees hesitantly consider those practices as an example of multilingualism. Despite the fact that slightly more than two thirds and approximately 80% claim speaking Võro and Seto, respectively, fluently or well, their concepts of multilingualism are about mastering Russian or foreign languages equally to Estonian. A Võro speaker explained contextual and functional differences in the use of Estonian and the South Estonian varieties as follows: “**betwixt and between** it was such a natural thing that Võru was spoken here and the standard in Tallinn.”

When asked which language one does speak, the most typical answer of a Võro-speaker is as follows: “I do not say that I speak the Võro language, I speak Estonian and Russian and a bit of English”. Nevertheless, when both the reported passive and active knowledge of Võro is taken into account then Estonian and Võro are the two main tongues used in the region with reported foreign language skills lacking behind. However, there are age differences in reported skills of foreign language. On the other hand, as was expected, when consuming media and cultural products, Võro-speakers’ two main languages are Estonian and English.

Why competence in Võro does not account as multilingualism? Firstly, they do not consider it a language on its own and secondly, they do not consider it as a marketable skill. Slightly more than three quarters of respondents do not believe that competence in the Võro language facilitates getting a higher salary. A third finds it difficult to say whether competence in Võro makes easier to find one’s first job. Similarly, slightly less than a third doubts whether competence in Võro facilitates advancing in one’s career or changing into a new job. However, when asked what the function of Võro is, an informant replied: “the function of communication is (--) the pure function of language”. Instead, English is found absolutely necessary when advancement in career or higher pay is expected. More than three quarters totally agree or agree that competence in English facilitates finding your first job and changing into a new job. More than two thirds totally agrees or agrees that competence in English helps to get a higher salary. 85.5% totally agrees or agrees that competence in English facilitates advancing in one’s career.

Despite rating English highly, only a small share of people reports speaking it fluently. Approximately a third and 41.3% reports not understanding and not speaking English at all.

Reading and writing in English are reported worse than understanding and speaking. Assuming that most of Võro- and Seto-speakers are of local origin and English, instead of German, was taught as a foreign language in selected local schools, makes one think that seniors might have reported better competencies of German. But as a matter of fact German has even lower percentages than English. The most reported foreign language is Russian which has been taught from first grades during the Soviet rule. Finnish was less reported. There are 7-14% of those who have claimed understanding, speaking, reading or writing some other languages which were not listed in the questionnaire were named. The Setos reported similar results.

Another concept within our focus is ‘minority’. It is worth to mention that both “minorities and majorities are recent historical inventions” (Appadurai 2006:49) which are being constantly essentialised by above mentioned discourses of hierarchy. The representations of minority articulated by Seto and Võro speakers can be grouped into two: (1) being numerically small and (2) having troubles or being in need.

Globalisation or rather multiple globalisations are believed to cause language competence being conceptualised as a set of skills, which can be marketed, but also measured and tested (Heller 2003). According to Grin (2002), during its second and third period, the economics of language conceptualises languages as human capital, i.e. as a source of economic advantage. Grin also outlines language and labour income as one of the current lines of study. However, language is a different kind of commodity than others – it gains more utility when more people use it. Võro and Seto are used only by 87,000 residents (PHC 2011). Inconsistency between Võro and Seto speakers’ reported languages skills and concepts of multilingualism may illustrate a gap between the actual and the wanted. They seem to agree in one: English should belong to a plurilingual’s linguistic repertoire. Whether their mothers’ and grandmothers’ tongue along with Estonian is seen as multilingualism is questionable. One should be also aware that “multilingualism is not what individuals have or lack, but what the environment, as structured determination and interactional emergence, enables and disables them to deploy” (Blommaert et al. 2005: 213). In terms of language policy and planning: Seto and Võro are not supported by policies and politics of multilingualism. Similarly, both do not really consider themselves as minorities, which they conceptualize as somebody who is in trouble and in need.

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### **Individual Linguistic Landscape in South-West Slovakia**

The study of Linguistic Landscape (LL), investigating visual language use, is an emerging field dealing with diverse geographical areas and various methodological issues. In Shohamy's (2006) model of language policy, LL is seen among the mechanisms that link, interpret and transmit ideology into language practices. That is, the LL is a concrete device, similar to language education policies, through which the authorities form the ideological prestige of different languages and guide their hierarchy in a given society. At the same time, not only dominant ideology can be transmitted through the LL. Resistance and transgressions to dominant ideologies by private individuals or activist groups are typically displayed in the LL as well (ibid. 123-125).

So far, little attention has been paid to the LL where a minoritized group gives the regional majority. One such European region is South-West Slovakia where Hungarians are the majority. As Sloboda (2009: 173) states, there is anxiety among the Slovaks "about the Hungarians possible disloyalty to the young Slovak state and about the possibility of southern Slovakia's secession." In his view this makes the regions linguistic landscape fundamentally different from many other European bilingual areas.

Integrating the Hungarian majority areas to the state community and the protection of the Slovak ethnicity and language in the Hungarian regions are seen as postcolonial actions, justified on the desired road of becoming a modern monolingual European Nation State. To this end, Slovak language has the "status as the only official language of an independent and sovereign state" Ondrejovic (2009: 26), and according to the law on state language it "takes precedence over other languages used in the territory of the Slovak Republic" (ibid. 16). So far, European treaties and institutions have focused on expanding and protecting language rights of the speakers of minority languages in Slovakia. However, during the last conflict in 2009 over the amendment of the Act on the State Language, the Venice Commission (2010) took a clear stand in favor of the monolingual Nation State. It is notable, that the Venice Commission failed to even

mention a legal model for putting the Hungarian language on an equal footing in the region where its speakers are in a numerical majority. Instead, among others, the Commission legitimized the premise, that: “The protection of the State language has a particular importance for a new State in which, as it is the case for the Slovak Republic, linguistic minorities represent a high percentage of the citizens of the population” (ibid. 10). In other words, the Hungarian minority is a threat to the state language. A shared concern by the Slovak government and the Venice Commission was that: “in the southern areas of Slovakia. [...] Official announcements, notices on cultural and other events, notices and adverts in public spaces are in many cases provided only in the Hungarian language.” (*The Language act...*2009). However, neither of the mentioned referred to any study or data to substantiate this. In this study I will first briefly show that a clear majority of public signs in two municipalities with a 40 % and 92 % of Hungarian speaking population are in fact only in Slovak.

The investigated ‘Hungarian’ villages have a Slovak dominant LL with nests of bilingual, Hungarian and other signage. International (e.g. EU) and governmental signs are exclusively in Slovak. However, the municipalities cherish Slovak-Hungarian bilingualism. Where the Hungarians present an overwhelming majority, there Hungarian appears in commercial signs, too. Nevertheless, also there Slovak is the default language and Hungarian is used only as a second language in bilingual signs. As an infrequent and hardly visible exception to the rule, minority associations produce signs in Hungarian for their programs, as well as the churches have inscriptions in Hungarian.

Previous studies on linguistic landscape focus on public signage by state, municipal and commercial sector. However, in the typical rural communities inhabited by the Hungarians, private or individual sign use is widespread, too. In the private sphere, excluding highly regulated “private enterprise”, minorities have autonomy in public language choice. Even though the Slovak law regulates language use in all public space, private persons cannot be punished. Next, I will focus on the local practices and interpretations of individual linguistic landscape in two ‘Hungarian’ villages (Reca and Vášárút) in South-West Slovakia on the light of photos, ethnographic observations and interviews.

Public signs placed by private individuals make 13.8 % of all signs in the LL of the villages. In comparison to the general picture, there is a tendency towards monolingual signs in the private sphere. Beyond the lack of bilingualism, the choice of language for private persons is

similar to that of the commercial sector. In Reca (which is undergoing language shift, with a dwindling 38 % Hungarian speakers) most signs are only in Slovak, whereas in Vásárút (which has an overwhelming majority of Hungarian speakers, 92 %), private signs in Hungarian give a slight majority. Next I will analyze the different genres of signs inside the private category to show grassroots ideologies and language practices, which explain the use of different languages in these villages and the indicate how they contest the dominant ideology of a Slovak only public sphere.

The most frequent genre of private signs consists of the “beware of dog” plates. The trade of such signs has met a significant demand in the villages, now participating in global consumerism. In Reca, Hungarians have purchased them in nearby shopping centers, where they are available only in Slovak. A single bilingual sign from the socialist period is on display in Reca. It exemplifies the ideal of the local inhabitants to have bilingual signs, “so that everybody would understand them”, as many informants put it. However, it will be most likely the last of its kind. In Vásárút, Hungarians have found solutions to use the language of the community by purchasing the signs in Hungary or patching up own signs. However, in some cases language insecurity by Hungarians was observable. For instance, in a single case, Slovak was used in a self-made plate.

Private individuals routinely display their identity in the public in the form of having a mailbox. At the same time, the national post is one of the emblematic symbols of the European nation states. Accordingly, the use of Hungarian inscriptions is prohibited in the offices and mailboxes of the Slovak Post. Resistance to this dominant ideology in the form of autonomous use of Hungarian appears in Vásárút. Vásárútians have found innovative means to contest the idea that anything connected to the post should be in Slovak, namely e.g. in the form of putting together hand-made newspaper mailboxes.

Graffiti is typically not following the dominant norms and ideologies for signs. Furthermore, unlike the earlier genres, graffiti are not commodities, which would follow the trends of global trade either. All this being said, the code choice for graffiti is rather unsurprising for both villages: Slovak and English for Reca and Hungarian and English for Vásárút. Still, graffiti is the only type of private sign that is not available at all in Slovak in Vásárút. In Reca, graffiti is part of the global graffiti culture, whereas in Vásárút it is of local character. The

different graffiti genres indicate that the youth culture in Reča is of global character, whereas Vášárút has a more local, Hungarian youth community.

The autonomous Hungarian public signs placed by private individuals in Reča include a war memorial plate in the cemetery. It must appear peculiar that a private grave includes a war memorial on “the Heroes of Réte”, which are all local Hungarians that died in the World Wars (1914-1918, 1942-1945). However, according to the language laws, the plate could not be autonomously in Hungarian if it would have ordered by any official entity or civil organization. As a demonstration of this, in the same cemetery there is a bilingual memorial plaque placed by the municipality for those buried elsewhere. That is, also in this case, the dominant ideology, displayed in language laws and official signage, is being contested in the private sphere, which is here stretched to include what might be characterized as community signs.

To conclude, the study of language policy should no longer neglect the analyzed activity, since it is perhaps the best reflection of covert bottom-up resistance to dominant ideology. The discourses of private LL were analyzed mainly through the distribution and semiotics of different genres of signs. In the interviews, informants in Reča often displayed the norm of using bilingual signs, however their real-life practices did not reflect this preference. The informants in Vášárút stated that they “do not want any trouble”, but that they prefer Hungarian signage in the private sphere. Since, “here everybody speaks Hungarian”, they do not see any reason to produce signs in Slovak.

The dominant ideologies, reflected on the other branches of LL have a great impact on the language community undergoing language shift. In Reča private individuals who speak Hungarian as their first language, prefer Slovak in the public texts they produce, purchase and choose to put into display. This indicates that the LL has become a mechanism escalating the observable language shift in the village. The few examples of Hungarian use point to the past.

The choice of language in private signs in Vášárút displays that Hungarian is the language of everyday use in the settlement. The general LL displays dominant norms and ideologies which are contested in the private signage. However, the dominant ideologies pop up also in private signage. Two general transmitting mechanisms were described: First, the trade of signs in Slovakia is based on monolingual Slovak signs. Second, the genre of signs connected to post reflect the ideology that the post is an emblem of the state. In these cases, resistance is displayed through signs purchased in Hungary as well as through self-made signs.

According to the data on “official” signs and the general LL, Hungarian signs are not threatening the official language in any observable way. Rather, the already scarce visual use of Hungarian is dwindling in many categories, which points to the urgency of facilitating and encouraging the use Hungarian language, “in speech and writing, in public and private life” (*European Charter for Regional or Minority Languages*, article 7, 1/d). For Reca it might be too late, since the dominant ideology of a non-Hungarian public space has already been internalized by the Hungarian speakers. That is, the use of Hungarian by private individuals in public is deemed as a nationalist provocation by the informants to be avoided in order to maintain a positive identity.

Finally, as Gorter et al. (2012) notice, investigating the LL may have an effect on the language policy of a region. In the case of Basque, a study on the LL made the policy makers realize that Spanish was much more dominant in the LL than they believed. As a consequence a new policy was drawn, which is now based on systematic establishment of bilingualism in all government signs and encouragement of the use of Basque in the private realm (ibid. 152, 159). It remains to be seen, whether Hungarian in the documented LL of Southern Slovakia is to receive similar support from the Slovak authorities or European institutions.

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## Panel 3

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### **Russia's Minority Language Education and the European Language Charter: Language Teaching in the Finno-Ugric Republics**

In recent years, the dynamics in the development of language policy and nationalities policy in the Russian Federation has been largely determined by some advance associated with Russia's adherence to the European Charter for Regional or Minority Languages (ECRML), and by the education reform in Russia. The purpose of this paper is to evaluate the level of languages protection in part of the promotion of minority language education in Russia from the perspective of the European Language Charter based on the analysis of parameters of the legal-institutional framework in concrete regions.

According to its Third State Report on the implementation of the Framework Convention for the Protection of National Minorities (2010), Russia pursues the duality of the goal of 'unity in variety' in its nationalities policy. The Russian President demanded drafting the Strategy of Nationalities Policy by the end of the current year; the Russian Ministry of Regional Development has announced the elaboration of a new federal target programme 'Strengthening of the Unity of the Russian Nation and the Ethnocultural Development of the Peoples of Russia'. However, it seems that the federal authorities are busy predominantly with the Russian nation-building; and the measures directed at the strengthening unity prevail.

Probably the only recent complex action directed at the promotion of diversity at the federal level was the implementation of the Joint Programme of the Council of Europe, European Union and Russian Ministry of Regional Development 'National minorities in Russia: Development of Languages, Culture, Mass Media and Civil Society' (2009-2011), financed by the EU. One of the main reasons for this programme on the side of European partners was the hope that Russia would ratify the ECRML, which it, however, has not yet done.



In the process of the implementation of the Joint Programme, many Russian and European experts agreed that Russian legislation provides a level of the protection of languages which is comparable with the minimum international standards formulated *inter alia* in the European Charter for Regional or Minority Languages (further – Charter). According to a legal expert report: “the analysis performed demonstrates that the Russian legislation fully contains the provisions association with the protection of regional and minority languages, which nevertheless requires some additional measures for their adaptation to the provisions of the European Charter in the Russian Federation” (Krugovykh, I. 2009: *Russian legislation relating to the protection and promotion of regional languages or minority languages*, Expert Report. Moscow: Apparatus of the State Duma). The state languages of the republics are typically counted as linguistically better developed and suit the standards of the Charter.

In the recent years language issues were in focal point of official activities of the Russian state authorities and international activities under the the mentioned Joint Programme. Indeed, education is important because it serves as a precondition, that is, creates capacity to use the language in other domains. Occasionally Russian politicians even argued that in Russia the languages (supposedly, state languages of the republics) are better protected than in Europe. Whereby Russia’s minority language education is presented as an example of a field, where Russia arguably provides a higher level of the protection.

However, the problem with such a general proposition is that it needs scientific substantiation. Both international (Bowring, Galdia, Ó Riagáin, Prina, Ruíz Vieyetz) and domestic scholars (Sokolovskii, Stepanov and some others) raised the issue of assessment of the situation of Russia’s languages in the light of the Charter. In the focus of the scholarly attention among other issues was the application of the Charter to Finno-Ugric languages in foreign countries and the situation of Finno-Ugric languages in Russian school. Scholars often notice that one of the problems of the Charter application in Russia is its unprecedented linguistic plurality.

Russian experts name at least three categories of languages that could be protected at a higher level of protection under Part III of the Charter: ‘state languages of the constituent entities of the Russian Federation’, languages of indigenous small numbered peoples, and ‘languages having no official status in Russian Federation constituent entities but traditionally in widespread

use on individual territories' (Krugovykh 2009). The simulation of the Charter was arranged in three regions. The choice of the pilot regions for the Joint Programme attempted to reflect that linguistic plurality.

It seems that the most extensive work experts have done in the Altay Territory, where they came out even with the concrete recommendations (Application of the European Charter for Regional or Minority Languages in the Russian Federation (Altay Krai). Simulation Report, 27 July 2010). In the Altay Territory the situations of the languages of ethnic minorities (Kazakh and German) and of an indigenous small numbered people of the North (Kumandin) were studied. Probably, among the reasons for success of the mission were the on-the-spot visits. The expert evaluation demonstrated that if the former category of languages has already now quite a good institutional support, than the possible implementation of the Charter towards indigenous languages would demand vast efforts and resources. The Republic of Dagestan is counted as the most complicated case jamming the Charter's ratification by Russia. The regional authorities requested that the simulation report on Dagestan has not to be published 'to avoid strengthening of the inter-ethnic relations', so not much could be commented on this case study.

In the Republic of Mordovia the situation of minority languages designated with the (co-)official status of the state language of the republic was under examination (Report on the Simulation of the European Charter for Regional or Minority Languages carried out on 1 - 5 November 2009 in the Republic of Mordovia, 30 November 2009 (amended 10 May 2010)). Compared with the report from the Altay Territory, it seems that the expert mission to the Republic of Mordovia with only capital town of Saransk meeting was less successful. One of the reasons might be that authorities are very reluctant on disclosing information regarding the situation of minority peoples in the light of international Finno-Ugric cooperation, which resulted among other things in some documents with criticism of Russia.

The expert suggestions in the case of Mordovia, arguably, represent only the strongest cases such as that of Tatarstan and do not take into account the actual difference of the sociolinguistic situation in republics depending on the demographic and functional strength of the languages. In fact, while in the context the state languages of the republics the possible application of the Charter has been assessed for Tatarstan, there is no evaluation for the state languages with a weaker institutional position.

Does Russia indeed provide a high level of the protection for minority languages in education also in ‘weaker’ republics? In order to evaluate the level of their protection in the light of the Charter, the paper explores the teaching of the titular languages and other traditional languages in the Finno-Ugric Republics, because out of linguistic plurality in Russia, the part III concerns first of all the languages that have the official status (actually co-official, along Russian as the state language of republics and the whole country). The study is undertaken through comparison of the position of the minority languages in the Finno-Ugric republics in education with the protection of languages by the Charter. To find out the position of languages in the republics, the study addresses from the legal-institutional perspective legal documents, official reports and expert opinions. The comparison demonstrates that within the same category of the state languages of the republics various languages are protected to a different level. At the formal level of legislation all the Finno-Ugric republics, even Karelia with no state language status for Karelian, meet the minimum level of protection for titular languages under the Charter. However, only the lowest set of the Part III undertakings are met, which is, arguably, a consequence of the recent Russia’s education reform and the powers redistribution.

The current study does not address the issue of Russia’s willingness to ratify the Charter, which would be a matter for a complex interdisciplinary study involving perspectives of international law and international relations, nationalism studies and ethnopolitics, sociology of language and sociolinguistics as well as other disciplines. Nevertheless, its findings might provide some considerations concerning the readiness of Russia to take upon itself further international obligations in part of minority language education and enhance understanding of Russia’s reluctance to the Charter’s ratification.

The issue of Russia ratifying the Charter is a complex topic depending, first of all, on political will of the top figures. Some Russian experts, shaping the authorities attitude, wrote about recommendatory character of the Conclusion of the Parliamentary Assembly of the Council of Europe regarding obligations following the entering of the Russian Federation in the Council of Europe. Still, according to the Vienna Convention on the Law of International Treaties (1969, Art. 18), the fact that a country signed an international treaty implies that it cannot act in a way that could damage aims and principles of this treaty. According to the principle of subsidiarity of international treaties, even if a country is not a party to an

international treaty, the very existence of this treaty influences a country's politics, because restricts it by narrowing the range of acceptable policies.

In Russia, even within the same category of the state languages the level of protection differs significantly. However, as a result of the education reform, the institutional position of non-Russian languages has deteriorated within few last years even in terms of the Charter. Due to redistribution of competences public authorities do not any more have a direct possibility to impose the selection of languages by educational institutions. This means that all the state languages and other traditional languages can be protected only under the minimal level of Article 8. A Party, joining the Charter, is obliged to take upon itself at least three undertakings under Article 8. Anyway, the minimum of three undertakings would be fulfilled even for Karelia with the least percentage of the titular group.

Neither the international treaties, including the Framework Convention or the Language Charter nor the Russian legislation regulate language issues from a rights-based approach. The policy approach is predominant, when formal rules are often not reflected in actual practices. That is why, as in some other countries, the insufficient implementation of legal provisions is the central problem for promotion of cultural and linguistic diversity. As the Advisory Committee points out, too much is left at the discretion of officials. The findings of the study confirm that, in line with the tendency pointed out already by the Advisory Committee for the Framework Convention (Second Opinion on the Russian Federation of the Advisory Committee on the Framework Convention for the Protection of National Minorities of 11 May 2006), the implementation falls far behind the legislative provisions. Federal norms providing for the right to receive instruction in or of minority languages still lack implementation mechanisms, resulting in legal uncertainty and varying practices on the ground. The Charter is only a limited tool for the languages protection. Like in the case with the Framework Convention, implementation of the Charter implies the need for amendments in domestic legislation. One direct consequence of the ratification of the Charter would be the need to fill the gap between the formal protection and the actual implementation. Ratification of the Charter would demand significant efforts of Russian federal and regional authorities to address some weak points in education.



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## **The integration of immigrants in the educational system of national minorities: case studies from South Tyrol and the Åland Islands**

Demographic changes and increased migration alter the linguistic landscapes not only in supposedly homogeneous nation states, but also in territories inhabited by national minorities. However, there is still a gap of research connecting the field of immigration and integration studies and research on the protection of national minorities. There is, nevertheless, an immediate link between the two areas of study, which both deal with questions concerning minority or minoritized identities and languages. The intimate relationship between identity and language has been recognized both in the international instruments for minority protection such as the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for the Protection of Regional and Minority Languages and in the autonomous arrangements granting the territories legislative competences in the field of education and language learning. Language learning and education is crucial both to the protection and promotion of national minority identity, as well as for successful promotion of immigrants' full participation in the society.

Once territories inhabited by national minorities experience a significant influx of immigrants, it is no longer a dual relation between minority and majority language, which needs to be governed and balanced, but a multiplicity of languages spoken by immigrants thus suggesting a multilingual environment. The national minority faces the challenge to continue, on the one hand, to preserve its language and thus identity and on the other to be open towards new languages and new cultures and integrate them into a common future. The immigrants, on the contrary, face the challenge to need to learn the minority language as well as the majority language at the same time and in addition they might still wish to learn also their own language of the country of origin. All in all this presents a multifaceted challenge to the development of

education and language learning in territories inhabited by national minorities. How do educational systems that have been specifically designed to accommodate national minority identities manage the new multiplicity of languages? This presentation is a very first exploratory step trying to bridge the aforementioned and separate fields of immigrant integration and minority protection through the link of language learning and education. In order to shed light on various dimensions of this link, it has been decided not to start from a theoretical point of view, but from an empirical: The presentation examines the integration of immigrants in two regions in two different countries where national minority languages are used as the language of instruction: The trilingual autonomous province of South Tyrol in the North of Italy, which is home to a large number of German speakers as well as some Ladin speakers and often considered as one of the best minority protection regimes (Woelk/Palermo/Marko 2008) and the mainly Swedish-speaking municipalities of Finland's Baltic Sea coast, including the autonomous unilingual province of Åland. The aim of this presentation is not to present a theoretical framework for the study of this link between immigrant integration, minority protection and education, but to explore the field and elucidate possible future research questions.

The presentation starts with a first case study on South Tyrol: The overview on the South Tyrolean population, which grew – due to immigration - significantly in the last 20 years, is followed by a presentation of the basic principles of the educational system in South Tyrol, which by a parallel monolingual German and Italian system as well as a bilingual system in the Ladin Valleys: although the Italian educational framework for primary and secondary education needs to be followed, there exist three parallel school system differing only in the language of instruction. The language of instruction is either German or Italian, with teaching of the other language as a subject (second language). The Ladin school system with teaching in German and Italian on an equal share and Ladin as an additional language is implemented only in the territories with a majority of Ladin speakers. English is taught in both systems from grade 4 onwards. Other languages spoken by immigrants are currently not offered in the frame of the official curriculum.

After a presentation of this basic principles, the case study moves to the legal framework governing the integration of immigrants: besides the national framework guaranteeing the integration of immigrant pupils into regular schools and in classes in accordance to their age

providing for language support by assistant teachers, it needs to be reflected how the South Tyrolean particularity, namely the free choice between two monolingual school systems, is received by immigrants: Are there more immigrants in the German or the Italian school system? Do immigrants in South Tyrol consciously choose between the two systems? What are the reasons behind such a behavior?

Finally, the case study tries to reflect on the consequences of increasing immigrants in the South Tyrolean schools: Are pupils with a migration background a threat for the German speaking minority, their language and culture? Or might immigrant pupils become a catalyst to overcome the division of the society in language groups thus contributing to the creation of a real multilingual society?

The second case study provides an overview of recent immigration to Finland as well as of the educational system in the country, including regulations on the language of instruction, as well as core subjects. It then examines the institutionalized concept of immigrant education, and how it is applied in both Finnish- and Swedish-language schools on the mainland. The special education offered to immigrants of all ages largely focuses on domestic language learning as well as information about Finnish society at large. At the comprehensive school level, school providers can apply to for financial compensation for parts, but not all of the costs linked to such special education measures.<sup>43</sup> In practice, children from abroad are usually placed in a group that corresponds with their knowledge and skills at this level. If there are at least four students with the same foreign mother tongue, schools normally strive to find a teacher in that language for mother tongue tuition.<sup>44</sup> Provided that the children's Finnish or Swedish language skills are not native, they are taught Finnish or Swedish according to a special syllabus for immigrants. With respect to religion, pupils' have the right to education in their own religion if there are at least three pupils belonging to this denomination and if their parents ask for teaching to be arranged.

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<sup>43</sup> This process is regulated in a decree from the Ministry of Education from 29 December 2009. Undervisningsministeriets förordning om grunderna för statsunderstöd som beviljas för kompletterande undervisning i den grundläggande utbildningen och gymnasieutbildningen för elever med främmande språk, samiska och romani som modersmål. In a recent survey referred to by Kilpi, 79 % of the schools reported having received financial support for immigrant education. See Kilpi, "The Education of Children of Immigrants in Finland", Doctor's thesis, University of Oxford, 2010, at p. 14?

<sup>44</sup> Home language tuition was arranged in 50 different languages in 81 municipalities attended by 11,013 students in autumn 2006. Kilpi, *ibid*, at p. 14



The case study then contrasts regulations and practices relating to the integration of immigrants in the educational system on Åland with those of the rest of the country. Institutional measures for the integration of children with another mother tongue than Swedish on Åland adopted by the Åland legislative assembly do not differ drastically from the national scheme, but there are some notable differences. Firstly, on Åland, the importance of learning Swedish instead of Finnish is of course emphasized. In accordance with the local legislation, special Swedish lessons may be arranged for children with another mother tongue than Swedish at the kindergarten-level. Secondly, there is no legal right to or established practice of mother tongue instruction for children with another mother tongue than Swedish in Åland schools. Only temporary assistance in mother tongues other than Swedish is allowed in the legislation. In practice, such assistance normally lasts for at least a year.<sup>45</sup> Thirdly, pupils' of another denomination than that of the majority of children are not offered education in their own religion from the schools on Åland. Unless they care-takers chose to provide religious education for them themselves, they participate in a non-religious philosophy of ethics class.

The two models (mainland and Åland) of minority protection for Swedish-speakers in Finland offer interesting case studies that can be contrasted with one another, as well as with other national minority protection regimes, such as that of South Tyrol. In any such a contrastation, the institutionalized immigrant education scheme in Finland stands out as one of the most ambitious special education effort. It reflects a general perception of immigrants as in need of special education in order to be lifted a par with the Finland-born population in terms of educational and other opportunities.<sup>46</sup> In comparison, the Åland system, in its miniature format, seems less likely to single out immigrant children for special education. As a result, a child with a different mother tongue is perhaps more likely to become proficient in Swedish and English as a result of being educated in Åland, but with the disadvantage of not receiving any support for the development of his or her mother tongue. On the contrary, foreign children may in the schools in the mainland indeed receive support to develop their first language, and to learn Finnish, but at the expense of

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<sup>45</sup> Petra Granholm, "Översikt av lagstiftning och policy gällande integrationen av inflyttade i Finland och på Åland", Ålands fredsinstutts rapportserie Nr. 2, 2009, s.

<sup>46</sup> For a critical study of the consequences of this, see Rajander & Lappalainen, "Expectations and Future Prospects: The Language of the Cosmopolitan Child", in *Finnish Journal of Ethnicity and Migration*, Vol. 5, No. 3, 2010, pp. 9-16

their proficiency in a regionally important vehicular language, Swedish, and to a lesser extent in the globally used vehicular language English.<sup>47</sup>

Questions pertaining to immigrants' preferences of one set of schools over another are when it comes to Finland not easily answered, and the case study does not make any attempt to do so. The possibility of further research in this field is not closed, but it would require fairly a lot of time and resources as little research or statistics on this topic appears to have been published.

The presentation concludes with an explorative comparison of the two autonomous territories coming back to the initial link between immigrant integration, protection of national minorities and education. Questions arise from two perspectives, from the immigrant one and from the national minority and autonomous territory one: Is there an added value for immigrants to settle in a territory inhabited by national minorities? Or is this autochthonous diversity a repelling factor for newcomers? Or, on the contrary, is minority protection an asset facilitating immigrant integration or is it an additional threshold hindering integration? Besides that, question focusing on the meaning of "multilingualism" arise: Which languages are intended with "multilingual"? Are all languages present in the territory of the same prestige and given the same status in the educational system, but also on the labour market?

The presentation will not give answers to all this questions, but present them as a starting point for future research in this field.

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<sup>47</sup> This argumentation is based on the findings of Rajander and Lappalainen that the special education measures for children with a foreign mother tongue are related to lower rates of school success and successful participation in English language learning among these children. See Rajander & Lappalainen, "Expectations and Future Prospects: The Language of the Cosmopolitan Child", in Finnish Journal of Ethnicity and Migration, Vol. 5, No. 3, 2010, pp. 9-16