

## **The role the European Union plays in protecting regional and minority languages**

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Recent events on the rejection to fund regional and minority languages (RMLs) have left an inconclusive question of the EU's agenda towards RMLs. According to a press release on November 9, 2022, the General Court confirmed the Commission's refusal to take the action requested in the European citizens' initiative 'Minority SafePack – one million signatures for diversity in Europe'. The European Citizens' Initiative requires one million signatures and seven Member States to qualify for the Minority SafePack. The signatures have to be verified by a third-party screening checker (e.g., DocuSign). After completing all requirements, the Court received nine proposals which included "a recommendation of the Council on the protection and promotion of cultural and linguistic diversity in the European Union (proposal 1)"; "a decision or a regulation of the Parliament and of the Council to create a center for linguistic diversity in the field of regional and minority languages that would be financed by the European Union and responsible for promoting diversity at all levels (proposal 3)"; "the amendment of EU legislation in order to guarantee approximately equal treatment for stateless persons and citizens of the European Union (proposal 6)"; and "an amendment of the Audiovisual Media Services Directive 5 to ensure freedom to provide services and the reception of audiovisual content in regions where national minorities reside (proposal 8)" (Court of Justice of the European Union). The press release mentions how "The General Court finds that the Commission complied with the obligation to state reasons with regard to the contested communication". The justification of their decision was solely placed on how the EU institutions already have initiatives in place to promote and protect RMLs.

#### **What is the Minority SafePack Initiative?**

The Minority SafePack Initiative started in 2013 and four years later the initiative began the collection signature campaign. The Minority SafePack Initiative is a package of law proposals for minority rights, language rights, and the protection of their cultures. The

initiative's objectives are protection and safety and legislative packages for minorities. The campaign was a tremendous success, receiving 1,123,422 verified signatures and the support of eleven<sup>1</sup> EU Member States. On its website, the Minority SafePack Initiative expresses its need to have the support of European Union Institutions since they can "provide the legislative tools for the protection and promotion of autochthonous national minorities." Additionally, they want the Copenhagen Criteria on protecting the rights of minorities to be observed by the Member States of the European Union (Minority SafePack Initiative - FUEN). It seems that this initiative is not about protecting minority languages but trying to find leverage in achieving the same status as the EU's official languages.

Protecting minority languages is a complex issue to unpack in a few lines, therefore, the goal of this paper is to understand the role the European Union plays in the protection and funding of RMLs. The present paper aims to demonstrate the sociopolitical changes over time. Specifically, focuses on three components: financial support to RMLs, socio-political power development, and an examination of three EU's institutional bodies (i.e., the European Parliament (EP), the Council of Europe (CoE) and the European Charter for Regional or Minority Languages (ECRML)).

The protection and funding of minority languages have been a constant debate among members of the European Union (EU). According to a briefing by the European Parliament, there are approximately 40 to 60 million speakers of the 60 regional and minority languages in the EU (Regional and minority languages in the European Union, 2016). To put this into perspective, the Union has 24 official languages which include English, French, German, and Spanish. The total expenditure for RMLs is under 1% of the EU's 148.2 billion euros. The EU has emphasized its goal to promote the idea of multilingualism in its policy towards its official languages and certain documents, such as the Organization for Security and

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<sup>1</sup> The countries are Romania, Slovakia, Hungary, Latvia, Spain, Croatia, Denmark, Bulgaria, Slovenia, Lithuania, Italy.

Co-operation in Europe to recognize minority languages. The *European Charter for Regional and Minority Languages* defines minority languages as those languages “traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and languages that are different from the official language(s) of that State; it does not include either dialect of the official language(s) of the State or the languages of migrants” (ETS No. 148), *entered into force* on January 3, 1998.

### **Socio-political status of RMLs**

Linguistic diversity is important in the EU's context since it can strengthen its values of fundamental rights by embracing other Member States' languages. As a result, it can create a better environment for “European integration” and the ability to provide new ways of thinking and new perspectives. The current ongoing waves of immigration in Europe from Western and non-Western countries provide a challenge for the EU to maintain “European integration” and preservation of the “European identity”. By looking at the big picture, RMLs do not have a favorable status since they are not working languages and do not have official status in the European Union.

The question that one can raise is the positioning of a Member State which has an RML as its official language. For example, Norway, and Iceland have official state languages which are Norwegian and Icelandic (respectively) that are not recognized as official EU languages. If Member States opt to use their languages in political, social, and economic matters, how are they going to be placed under the EU categorization of language use? Additionally, Article 22 states how "the Union respects cultural, religious and linguistic diversity", which indicates the EU's transparency and support for minority languages.

Hornsby & Timofey illustrate the changes regional and minority languages have to undertake to survive. They argue how official EU Member-State languages, such as Estonian

and Latvian are at a disadvantage since these languages do not have the same linguistic power as other dominant EU languages (i.e., German, French). “[They] attest [to] the end of “traditional” forms of the minority language, contending that if they are to survive they cannot do so as mirror copies of majority languages” (2012: 88). Different efforts towards language revitalization are currently undertaken in the European Member States. Some examples are Wales in the United Kingdom (no longer an EU member), Galicia, the Basque Country and Catalonia in Spain, and Friesland in the Netherlands (2012:100). The examples mentioned were (are) independent entities, where they have their own regional laws in their languages and they possess the infrastructure to function as linguistic independent nation-states. Even though this could be the case, these regions are considered subordinate/minority languages to the state and the European Union. In the Spanish context, Galicia, the Basque Country, and Catalonia are autonomous communities with their own language laws, therefore, they can function as their own “independent” community within Spain.

### **EU’s financial support towards RMLs over the years**

TEU has had positive policies to protect and promote RMLs since the 1980s. These policies can be seen in *Article 22 of the European Charter of Fundamental Rights*. Gazzola et al., 2016 provide a detailed financial assessment of the EU’s support to RMLs. The paper focuses on the EU’s expenditures and initiatives towards RMLs from years 1994 to 2006 with the goal to demonstrate the fluctuations in funding. The support by the European Economic Community towards RMLs has decreased since 2000. The financial support towards RMLs is unstable due to the unpredictability of the EU parliament’s agenda. For example, the year 2000 was a pivotal point for RMLs since the budget line provided for funding for teaching and promotion was canceled (Gazzola et al., 2016:41).

Gazzola et al., 2016 explained the conditions imposed by the European Parliament in 2003-2004 on project-based funding to the European Bureau for Lesser-used languages (EBLUL). After 2007, the Lifelong Learning Programme of the EU funded a few new networks whose purpose is to promote RMLs such as the Network for the promotion of linguistic diversity (NPLD), the Federal Union of European Nationalities (FUEN), and the Mercator Research Centres. The authors used a combination of various assessments, such as the SMiLE<sup>2</sup> (Synergies in Multiscale Interlinkages of Ecosocial System) report and Grin et al., 2003 analysis of the EU's comprehensive work on minority languages since its inception.

In the late 1990s, the EU introduced The Community action for the Promotion and Safeguard and Minority Languages and Cultures which was targeted to languages spoken and used within the European Union. One should point out that dialects and migrant languages were excluded from applying for funding under this community action. The funding supported various projects in different fields, such as education, culture, general language teaching, and research and conferences on language issues (Gazzola et al., 2016:47-51).

In recent years, programs, such as the *Lingua action* and the *Socrates Program* are geared towards financing official languages of the EU including Irish, which was not an official language until 2007. As a result of the incorporation of Irish, new Member States had the opportunity to apply for funding, specifically for education under the Socrates Program. At the same time, other programs not related to a specific group of languages were offered to promote and teach languages. Therefore, both official languages and RMLs were a priori eligible to apply (Gazzola et al., 2016:52-54).

This paper demonstrates how policy intervention in favor of RMLs could vary in terms of members' agendas and how the policies are carried out. The EU had an internal debate about the best practices to protect and promote minority languages. The SMiLE report

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<sup>2</sup> The SMILE Project belongs to the European Commission (EC)'s Seventh Framework Program.

corroborates the mainstreaming approaches used by the EU. The goal of the EU was to create clear guidelines and fundamental principles for funding programs in the support RMLs. In 2006, there was a turning out in the EU's access to funding for RML communities. The EU developed and expanded the Commission for multilingualism reinforcing language policy across the Union. As a result, there was access to funding for language programs, which included non-official languages of the EU (i.e., RMLs). Originally, RM languages were not the number one priority for these funding programs due to the "small" number of speakers. When new opportunities arose for all language groups, RMLs were once again at a disadvantage since they had to "compete" for funding with other larger languages.

In the structural and cohesion policies for the European Parliament, Jones explains how "it does not appear that equal access to these funds has been provided, especially for the smaller language communities" ( Jones, 2013: 26). This example shows how on paper all languages had the "same" advantage, but using the mainstream approach indicated that languages with a higher number of speakers were more advantageous than minority and endangered languages. The decline in funding for minority languages increased exponentially after the disappearance of the Commissioner for multilingualism. As mentioned in the European Parliament Resolution of September 11, 2013, on Endangered European Languages and Linguistic Diversity in the EU, "over the last two multiannual financial framework periods (2000-2007 and 2007-2013), European funding for these languages has been cut drastically". As a result, the funding opportunities for regional and minority languages have almost disappeared, with the exception of some research projects related to RMLs funded by the Seventh Framework Programme for Research and the European Language Diversity for All (ELDIA).

To date, there are no official figures from the expenditure for the support of RMLs since the SMiLE Report. Indeed, the provided evidence and the current literature demonstrate

that funding declined toward RMLs over time. Gazzola et al. explain some possible reasons why the EU reduced financial support to RMLs. They mention how this limited funding might influence Member States to reform their current language policies. This paper shows how the endorsement for regional and minority languages starts vanishing over time. Additionally, members of the European Parliament are not active representatives in the Committee on Culture and Education, which hinders their ability to represent minority languages' best interests. Furthermore, the EU's goals towards integration were slightly replaced by demands of devolving back power to the Member States. As a result, the European Parliament does not provide its tools to provide financial assistance and support to RMLs.

**The role of three bodies of the EU: the European Parliament (EP), the Council of Europe (CoE), and the European Charter for Regional or Minority Languages (ECRML).**

Soldat-Jaffe provides a snapshot of three bodies (i.e., the European Parliament (EP), the Council of Europe (CoE), and the European Charter for Regional or Minority Languages (ECRML)) of the European Union. Soldat-Jaffe raises the question of whether or not the EU has the necessary means to protect regional or minority languages. The article examines the impact of language planning policies and their effectiveness under different organizations of the EU. The main focus of this article is to note how these three organizations handle language diversity and the principle of language rights. Each of the organizations mentioned has different objectives. For example, the CoE seeks the protection of minority languages as a universal right. Whereas the ECRML focuses on the language planning perspective. Soldat-Jaffe fleshes out two significant consequences of their programs' objectives. On the one hand, the CoE incorporates minority groups into their resolutions, and ECRML neglects speakers of minority languages and focuses only on the languages. As one can notice, this is

an issue since there could not be a separation between languages and people. People are the ones that speak and maintain alive RMLs. Language revitalization starts with the desire to learn a language by the people. The different principle foundations (i.e., collective language rights principle<sup>3</sup> and territorial language rights principle<sup>4</sup>) for the three organizations indicate the (dis)advantages they undergo. For example, ECRML cannot function in the same unrestricted manner as the CP and CoE since the organization is a linguistic authority (Soldat-Jaffe, 2015: 380).

Vizi's paper provides an interpretation of the role of linguistic diversity in the EU and whether the EU truly promotes a multilingual Europe or it is displaying limited goals. Vizi mentions the imperative need for the interpretation of linguistic rights within the EU system. It is important to challenge the status quo of the EU and analyze the current language policies and linguistic rights for RMLs. Vizi further mentions how "it would be important to develop an open approach which reflects the achievements of international instruments on language rights, in particular the Language Charter, the FCNM or the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions" (Vizi, 2012:155). In Shuibhne's book on EC law and minority language policy, she explains how the EU has not a clear definition of guidelines for language policies, especially for regional and minority languages (Shuibhne 2002).

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<sup>3</sup> The core language rights for treaties, jurisprudence, and guideline documents operate at the level of four main foci: dignity, liberty, equality and non-discrimination, and identity. According to the Language Rights Linguistic Minorities Handbook, "linguistic human rights issues: (i) should be considered in any activity which involves state authorities and their language preferences; (ii) are closely associated with issues of national, collective, and individual identity; (iii) impact on the participation and inclusion of minorities; (iv) lead to sentiments of alienation or marginalization and potential instability or conflict if not properly addressed in a balanced, reasonable way; and (v) occur in extremely diverse circumstances and conditions so there is no 'one-size-fits-all' approach to implementing language rights in all of the world's hugely diverse national contexts" (2017:5). The CP and CoE recognize the principle of language rights as a human right.

<sup>4</sup> This principle enables a sovereign state to exercise exclusive jurisdiction over individuals of a language in the confined territory of the state. The ECRML functions as a territorial language right principle.

The present paper looks at the historical socio-political changes over time in the protection and funding of the EU's regional and minority languages. The primary goal was to have a better understanding of the current situation RMLs have in the European atmosphere. There is a lack of research on minority languages due to multiple reasons already mentioned. Since the SMiLE report, there has been a gap in the actions to promote RMLs and how the limited funding to minority languages is being distributed. Over time, the European Union seems less transparent and its goals to promote multilingualism and linguistic inclusion are questioned.

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