

EUROPEAN CHARTER ON REGIONAL AND MINORITY LANGUAGES
REPORT ON NAVARRA

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ECRML: report on Navarra

1. Introduction

On 5 November 1992, Spain signed the European Charter on Regional and Minority Languages (ECRML). Subsequently, on 9 April 2001, it ratified that specified in the said Charter; the ratification Instrument was published in Official Gazette Num. 222 (15-9-2001).

In article 15, the ECRML states that *'The Parties shall present periodically to the Secretary General of the Council of Europe, in a form to be prescribed by the Committee of Ministers, a report on their policy pursued in accordance with Part II of this Charter¹ and on the measures taken in application of those provisions of Part III² which they have accepted. The first report shall be presented within the year following the entry into force of the Charter...'*

On 23 September 2002, in compliance with its freely-made commitment, Spain duly presented its report.

Article 16.2 of the aforementioned Charter establishes that *'Bodies or associations legally established in a Party may draw the attention of the committee of experts³ to matters relating to the undertakings entered into by that Party'*.

The Euskara Kultur Elkargoa Foundation is listed in the Register of Foundations of the Department of the Presidency, Justice and Internal

Affairs of the Navarra government, under number 114, according to Resolution 52/2001 of the Director-General of Internal Affairs, dated 10 January 2001.

Given that its basic objective is to disseminate, develop and extend Basque language and culture in Navarra, the Foundation feels that it is within its rights to send the aforementioned Committee of Experts this report regarding the current situation of the ECRML in Navarra.

The principal aim of our report is to help the various public administrations comply with the commitments made by the Spanish government when it ratified the ECRML.

From a methodological point of view, we will use the Spanish report as a general guideline, although we will not adhere to its exact structure because, quite simply, we do not believe that it is a comprehensive and rigorous report. As regards Navarra, when compiling the report about the application of the Charter, at no point did the Spanish government consult the social organisations working towards the promotion, defence and development of the Basque language. Nor did it publicise the existence of this report or translate it into any of the minority languages concerned.

In addition to our own reflections, we have also included data regarding the current sociolinguistic and legal situation in the Navarra Autonomous Region, to which area our report is restricted due to administrative-regional territorial divisions in Spain.

2. The spanish report⁴

2.1. Preliminary section

In this section, the report aims to give a general overview of the supposed historical evolution of the Kingdom of Spain, providing geographical, demographic and economic data as well as information regarding the distribution of political authority, the organisation of the autonomous regions and a list of languages spoken, among others.

We cannot analyse this point without focusing our attention on the time criterion used by the team responsible for compiling the Spanish report. According to their particular view point, the history of the Kingdom of Spain is divided into two periods: before and after 1978, the date on which the current Constitution was adopted. This is, without doubt, a very limited view.

2.1.1. General information

The report only reveals that before the Spanish Constitution (SC) of 1978, Spain was a country '*characterised by a strongly centralised territorial organisation*'.

This view is vague, superficial and incomplete. It makes no attempt at a true analysis of the country's past and provides no information regarding the relationship between the central administration and *Regional or Minority Languages* throughout history. The report looks no further back than 1978 and pulls a shutter over much of the country's past, obscuring the road which has led us to our current situation.

We feel we must begin our report by placing the concepts with

which we will be dealing in some sort of context, these concepts being the Basque language, Navarra and their interaction in relation to the central government.

The Basque language, or *Euskara* as it is known in the Basque Country, has been given many names throughout history: the Vizcayan language, the Cantabrian language, **Lingua Navarrorun**, the language of the Navarrans, Vascuence, etc. Nevertheless, all these names refer to a single concept: the language of the Basque people. The roots of the Basque language date back to prehistoric times, ‘as far back as the Stone Age, *Vascuence* was spoken in the Western Pyrenees’⁵. It is the only pre-Indo-European language currently still in use in Western Europe.

The geographical sphere of influence of the Basque language varies depending on the historical period, ranging from prehistoric times, when ‘*Basque was the native language of the continent*’⁶, to the present day, when Basque is spoken only in the north of Spain (Navarra and the Basque Autonomous Region) and the southwest of France (Northern Basque Country), or in other words, in the region known as *Euskal Herria*⁷. (See map on page 80)

From a legal-administrative point of view, *Euskara* is currently spoken in two countries and three different administrative districts, all with different levels of political authority. Official acknowledgement of the Basque language also varies from district to district, ranging from being recognised as a Co-official Language in the Basque Autonomous Region, to not being recognised at all in France⁸. In Navarra, Basque speakers have rights only in certain areas of the territory.

As regards language normalisation, the fact that the language is split between three administrative districts means that there is no common language policy for Basque normalisation in *Euskal Herria*, a situation which logically causes delays and makes a difficult process even more

problematic. The reason for this situation is mainly political. The existence of a number of different administrations means that in each region a different body is responsible for ensuring compliance with the Charter, which in turn means that we must study the implementation of the European Charter separately for each area. In our case, we will analyse compliance with the Charter in the Autonomous Region of Navarra as well as in Spain in general.

The Spanish report states that up until 1978 Spain had a strongly centralised structure. Although this is true, we should not forget that it was not until the 19th century that the Kingdom of Spain adopted this structure; before this period, the country was divided into a series of well-defined territorial regions. The Kingdom of Navarre had its own legislative bodies, its own Inland Revenue and its own borders, etc. In other words, it enjoyed a large degree of political autonomy under the Castilian crown.

Navarra (or Navarre as it was called in former centuries) appears as a separate political-administrative region in official historical documents dating from the 12th century. Up until then, the term Navarran was used to refer to any ‘*member of the Basque-speaking community living on the southern side of the Pyrenees. Navarrans included any southern Euskalduns⁹, including Alavans and Vizcayans¹⁰*’. In this way, throughout history, the term Navarre encompassed a political concept which went far beyond the current borders of the autonomous region, and whose origins are firmly rooted in *Vasconia*.

The current political and administrative division of the Basque territories is the result of a series of staggered conquests suffered by the Kingdom of Navarre throughout history, which eventually reduced it to a mere administrative division of the French or Spanish states¹¹. The area which currently makes up the Navarra Autonomous Region was conquered by Castile in 1512 and annexed to the crown in 1515¹².

The conquest of Navarra by Castile formed part of the process which gave rise to the European Nation States, with all the consequences of that process as regards unity, the centralisation of institutions and laws and the need for a national language. However, although, as mentioned above, it was not until the 19th century that Navarra was stripped of its institutions, attacks by the Castilian crown against the use of the Basque language were commonplace in the region for many centuries. The following examples give a general idea of the situation over the last two centuries¹³:

1. A common practice in schools up until well into the 20th century was *the ring*, which still lives on in the memories of older generations who experienced its use first-hand. In 1789, Joseph Ruiz de la Torre, *sindic personer* of the Comú de Palma, described it in the following way: ‘...*The use of the particular language of the country, known as Vascuence, is forbidden to such an extent that it is common practice to have a ring which passes from hand to hand among those who break the rule; the young person who is wearing the ring at the end of the week is dealt a specific punishment*¹⁴’.
2. In 1901, a circular from the Civil Governor of Navarra informed all teachers that reports had been made of the use of the ‘native tongue’ in some subjects in the northern region of the territory, and reminded them that such use was prohibited¹⁵.
3. In 1994, the Navarra High Court of Justice described the existence of a radio station broadcasting only in Basque to be prejudicial and discriminatory¹⁶.

We believe that the Spanish report’s analysis of the political-administrative structure of the country based on the 1978 Constitution leaves much to be desired in the way of quality.

Firstly, it only includes a very superficial description (legislative chambers, number of members, ministries, autonomous bodies, etc.)

and neither clarifies nor makes any attempt to promote a true understanding of the true situation vis-à-vis the autonomous regions in Spain.

As regards the distribution of political authority between the central government and the autonomous regions (ARs), the report refers to articles 148 and 149 of the 1978 SC: ‘*the areas of political authority corresponding to the autonomous regions are listed in articles 148 and 149*’, without developing the point any further. Firstly, we should underline the existence of a specific constitutional mandate which obliges all citizens to learn Spanish¹⁷, but not any of the co-official languages in the various regions. We therefore see a situation of diglossia being created by the Constitution itself. For its part, the distribution of political authority between the central government and the ARs as regards minority languages is extremely complex. The use and regulation of a language affects diverse areas of social activity (teaching, administration, culture, law, the media, etc.) and although in theory authority in this field lies within the sphere of the autonomous regions, in reality, language affects a wide range of different political areas corresponding to both sides. The result is that when language normalisation policies affect an area administered by the central government, the autonomous regions have no legal right to ensure their application, as the matter falls outside their sphere of influence¹⁸. In conclusion, the reference made by the Spanish report to the distribution of political authority, i.e. that the Constitution: ‘*confers on the Autonomous Regions, in article 148.1.17, authority in the area of ‘promoting culture and research and, where appropriate, the teaching of the language of the Autonomous Region*’ is neither accurate nor clarifies the true situation regarding political authority in this area.

The data provided in the report presented by the Spanish government are of varying degrees of interest, but above all, they fail to present the entire picture. Furthermore, the structure of the

document could be vastly improved and the authors are guilty of various methodological errors. In this sense, by way of an example, we would like to draw attention to the data contained in the following points:

- 4.4. Indicators of the Level of Decentralisation in Spain
- 4.5. Distribution of Employees at the Service of each of the Different Levels of Territorial Organisation

These sections do not specify the sources that confirm the data provided.

Point 3.3. **Data of Interest for Sociolinguistics** is not included in the initial list of contents.

2.1.2 List of the Regional or Minority Languages spoken in Spain.

In the instrument which ratified the European Charter on Regional and Minority Languages, compiled in Strasbourg on 5 November 1992, the Spanish government declared that *‘for the purposes outlined in the said articles, regional or minority languages are understood to be those languages recognised as official by the Statutes of Autonomy of the Autonomous Regions of the Basque Country, Catalonia, the Balearic Islands, Galicia, Valencia and Navarr a’*. According to the wording of this statement, the Spanish state itself does not recognise any minority language, but rather leaves the decision of whether or not to recognise a language as co-official to the discretion of the individual autonomous regions. In light of this ratification formula, we cannot help but be severely critical, since the languages protected by the Charter are not specified by name, something which is in direct opposition to that established in article 2 of the Charter¹⁹. This failure to specify the protected languages is extremely important for Navarra when attempting

to define the degree of protection provided by the European Charter to the Basque language in the different zones (Basque-speaking, Mixed and Non Basque-speaking) into which the autonomous region is divided.

2.1.3. Number of speakers and criteria used for defining the term ‘speaker of a regional or minority language’

The report runs through the various surveys carried out by the Centre for Sociological Research (CSR), a public entity which is dependent on the central government.

As regards the number of Basque speakers in Navarra, the following statement is made under the heading ‘Special Consideration of *Euskara* or the Basque Language spoken in the Navarra Autonomous Region (NAR): *‘it is a language that is not spoken throughout the entire Autonomous Region, but rather only in the northern area’*. This statement is not true. Although the NAR is indeed divided into language zones (Basque-speaking/North of the region, Mixed/Centre of the region and Non Basque-speaking/South of the region), this division is not a faithful reflection of the true situation. Basque is spoken throughout Navarra, to a greater or lesser extent²⁰. What differs between the zones is the extent to which the rights of Basque speakers are protected, a circumstance which generates discriminatory situations within the AR, with different people having different rights depending on whether they live in the north or the south. The language rights of a Navarran Basque speaker are protected to a much greater extent in the north of the AR than in the south, where there is no legal guarantee whatsoever.

This division into zones corresponds only to the administration’s obligations to its citizens and, *sensu contrario*, to the rights enjoyed by Basque speakers in the various regions. Briefly, and in accordance with the 1986 Regional Act on the Basque Language (RABL), in the

Basque-speaking zone, the Administration is obliged to guarantee the language rights of all Basque speakers; in the Mixed zone, compliance with this obligation is voluntary and in the Non Basque-speaking zone, the administration is merely obliged to promote the language.

Before continuing, we feel it is important to underline the fact that the division into language zones restricts language rights within the NAR, and that no motivation has ever been given for such a move in order to justify it in accordance with any democratic standard. No explanations have ever been given as to the reasons for restricting the language rights of Navarran citizens, nor has any explanation been offered regarding the criteria used for delimiting the various zones. In short, the citizens of Navarra living in the Mixed and Non Basque-speaking zones have had their language rights curtailed without any criteria or legal explanation being offered for this discrimination. And all this has occurred despite the fact that the Navarra Parliament had previously declared '*Spanish and Basque to be the official languages of Navarr*²¹'.
(See map on page 81)

2.1.4. Motion by the Chamber of Deputies (1997)

In point 5 of the Spanish report, a reference is made to this motion. By approving the motion, the Chamber of Deputies (and therefore the Spanish government) committed itself to the following six objectives:

1. To raise awareness among Spanish citizens of the multilingual nature of the country (stamps, notes, radio, television, etc.).
2. To ensure that Catalanian, Galician and Basque can be studied outside the ARs in which they are official languages.
3. To project a bilingual image. Signposts, for example.
4. To guarantee multilingualism in the institutions.
5. To guarantee that any citizen can communicate with the central

- administration in his or her AR in his or her own language.
6. To promote the Spanish language abroad.

As we can see, the report is not entirely truthful when it states that 'many of the measures proposed do not fall under the responsibility of the public administration'. Not only do the objectives fall under the responsibility of the central administration, but the central administration is in fact the only body which has sufficient mechanisms to ensure compliance with that established in the Motion: educational laws, the media, the Cervantes Institute, etc. The problem is the lack of political will, as was made evident during a debate in the Chamber of Deputies: '*we believe that it is more a declaration of intentions than a firm commitment (...) there is no financial commitment, no commitment regarding legal development*²²'.

2.2. Part one

2.2.1. *Legal Instruments and Regulations for applying the Charter*

In this point, the Spanish report offers a normative description of all or almost all the regulations which govern and affect the use of minority languages. The report runs through the regulations regarding the protection and use of languages in Spain.

The first problem occurs right at the beginning of the point. The authors begin by stating that the current legal system complies with the requisites of the European Charter, an assertion which should, logically, be made at the end rather than the beginning of the report.

The most important element in this point is the system for the distribution of authority established by the 1978 Spanish Constitution. In the field of *regional* language use, this system, in principle, gives priority to the autonomous regions, which have a fairly free rein providing they respect articles 3, 20.3 and 149 of the SC²³.

The level of simplicity used by the authors of the Spanish report when describing the autonomous laws that govern minority languages is astounding. *'The structure and content of these laws are similar and, to a large extent, easily comparable'*. The following is an overview of the structure used by the report along with a number of comments (in bold) which we feel to be necessary in order to clarify the authors' attitude:

1. They generally start with a preamble outlining their legal basis in the Constitution and the Statutes of Autonomy, accompanied by a justification of their intent. **All regulations, regardless of whether or not they govern or enable language rights, include a preamble justifying their existence.**

2. Subsequently, the consideration of the regional language as a 'native language' is ratified, along with its co-official status alongside Spanish and the recognition of citizens' right to know and the use it. **In the Navarra Autonomous Region, Basque is not awarded the status of a native language. Navarran law simply declares Basque to be a co-official language in the Northern Zone²⁴.**
3. The regional language is generally awarded co-official status throughout the entire autonomous region, except in the aforementioned special cases of Navarra and the Valencia Autonomous Region and in the Aran Valley.
4. Implicitly, and sometimes explicitly, the Laws confer the responsibility for promoting the knowledge and use of the native language on the autonomous administrations. This responsibility includes compensating the initial situation of inferiority and guaranteeing the right of all citizens to use the language whenever they wish. **In Navarra this compensation has been described by the central government and certain judges as discrimination²⁵, which means that the situation is not implemented in a standardised manner.**
5. All these Laws have the objective of defending and promoting native languages, and in this sense can be considered as forming a specific language policy. **At the risk of stating the obvious, we should mention that in Navarra these laws are not always enforced. In our autonomous region, instead of acting in accordance with the principles of defending and promoting Euskara, current language policy in fact serves to control and limit knowledge and use, especially since Basque use is interpreted by certain regional authorities as being discriminatory against Spanish speakers.**

After this comparative analysis, the authors provide a list of laws.

As regards the NAR, the authors highlight the zoning system

established in Regional Act 18/1986, stating that the Basque-speaking zone enjoys a ‘level of protection practically the same’ as that established in other bilingual autonomous regions. What is the meaning of the expression ‘practically the same’? Practically the same as which other ARs? For its part, the Constitutional Court has clarified on several occasions the meaning of a language’s official or nonofficial status. If it is official, then it generates rights and obligations binding on all public authorities²⁶, and if it is not official, then it does not. As such, we fail to understand the criterion of the term *practically*.

In the Mixed zone *‘the law obliges the Navarran public administration to employ the necessary number of linguistically qualified staff’*. This statement is inaccurate, since the law does not oblige but rather enables: *‘In order to guarantee this right, the said Administration may:*

- a) *Specify in the yearly list of vacancies the posts for which a knowledge of the Basque language is required.*
- b) *Consider a knowledge of the Basque language as an additional merit in regard to candidates applying for the other posts²⁷’.*

In the Mixed zone, the principal consequence of the language’s co-official status is not palpable. In other words, its co-official nature is not binding on all public authorities located in the territory. If a degree of discretion is admitted, then there is no obligation and therefore no duty on the part of the administration. In the Non Basque-speaking zone, there is simply a commitment to promote the language which, in practice, amounts to almost nothing.

The dividing of the Navarra Autonomous Region into language zones has not only given rise to problems of rigidity, but has also compromised the language rights of all Navarran Basque-speakers and resulted in situations of social exclusion. Furthermore, the zoning

system does not correspond to any logical criteria, such as number of speakers, historical situation, etc.

2.2.2. Legal protection of the right to use a Regional Language

Article 4 of the RABL guarantees citizens access to the administration of justice in order to defend their language rights; *‘citizens may have recourse to Judges and Courts, in accordance with current legislation, in order to ensure the protection of the language rights established by this Regional Act’*. In the NAR, whenever any citizens or organisations have brought a case against the government in order to ensure legal compliance with this Act, the Navarra government has always responded by insulting the plaintiffs and accusing them of being antisocial organisations²⁸.

2.2.3 Jurisprudence of the Constitutional Court in the area of Co-official Languages

A fairly exhaustive list of rulings regarding the co-official nature of regional languages is provided. Upon analysing this list, we found that nearly two thirds of the rulings constitute attempts by the central government to either wrest political authority in the area of minority languages away from the ARs or to deny them the authority to regulate certain activities relating to language normalisation. The authors draw two fundamental conclusions from their analysis of constitutional jurisprudence:

- Co-official language: when recognised as such by the public authorities - STC 82/96 and 46/91. There is only an individualised duty to know how to speak Spanish (not regional languages). The individual use of any of the regional languages spoken in the ARs

enjoys full legal validity. Additional Provision 5 of Regional Decree 372/2000 states that ‘When it is necessary to resolve a conflict of interpretation regarding content between the Spanish and Basque versions of official documents, the Public Administrations and related Bodies will resolve the matter by having recourse to the document written in Spanish’. This Additional Provision contradicts the Constitutional interpretation. Furthermore, it creates a situation of diglossia.

- Use of the Language in the Administration: It is necessary to distinguish between what is meant by co-official language and the assignation of full rights for official purposes. The use of a language with regard to the administration presupposes a position of equality between both co-official languages. A language can be co-official but this does not mean that all staff in the Justice Department need to speak it, since this department is a single unit which covers the entire Spanish territory.

2.2.4. Organisations which work towards language protection and development

ACADEMIC ORGANISATIONS

Euskaltzaindia. This body was set up in 1917 by the four Basque provincial governments. Subsequently, the Basque government was established in 1989. In 2001, the Navarra government withdrew itself from the agreement. The new agreement with the Navarra government, which is bilateral and exclusive in nature, was signed in November 2002²⁹.

Eusko Ikaskuntza (Society for Basque Studies). The subsidy granted by the Navarra government was withdrawn in 2001, because some of the contents of a dictionary published by them met with its disapproval.

ADMINISTRATIVE ENTITIES

Directorate General for Universities and Language Policy. The Directorate General for Language Policy, which is currently encompassed within the Directorate General for Universities and Language Policy, was established by Additional Provision 10 of Regional Act 3/1988, dated 12 May, on General Budgets for Navarra: ‘*With the aim of co-ordinating the development and enforcement of Regional Act 18/1986, dated 15 December, on the Basque Language, this body hereby creates, within the Department of the Presidency and Internal Affairs, the Secretariat for Language Policy, the head of which shall hold the rank of Director General*’.

Subsequently, a number of different Regional Decrees established the functions and structure of the secretariat, its name and its connections with various departments of the autonomous region administration, maintaining at all times the enforcement and development of the Regional Act on the Basque Language as its priority parameter. In other words, the language policy implemented by the Directorate General for Universities and Language Policy did not refer to languages in general, but rather to one specific language, Basque, the native language of Navarra.

The current government modified the structure of this Directorate in Regional Decree 228/2000, dated 19 June, locating the Directorate General for Universities and Language Policy within the Department of Education and Culture. Subsequently, the government enacted a new Decree, RD 85/2002, dated 22 April, which established the organic structure of the Department of Education and Culture³⁰ and defined the functions of the Language Programming, Research and Development Service. The result of all these changes is that ‘language policy’ now no longer refers to a specific language, i.e. *Basque*, but rather to all languages in general. The government now understands

that the function of the Directorate General for Language Policy is not to co-ordinate the use and development of the Basque language, but rather to promote the use of all non-Spanish languages: specifically, the official languages of the European Union, with special emphasis on English, French and German³¹. By comparing Basque with the official EU languages, which are totally removed from the social and cultural reality of the Navarra Autonomous Region, the government itself is legalising a situation of language regression.

2.2.5. Consultations made to the aforementioned organisations

The report emphasises once again the problems of distributing political authority between the autonomous regions and the central government in the area of language matters, and the difficulty that this generates as regards obtaining material. The authors include a list of materials and then immediately indicate the ownership of each item.

As a general observation, we should state that although many areas of authority have been transferred to the ARs, the Spanish government is still ultimately responsible for complying with its international obligations. No AR has responsibility in the international sphere, only the central administration has a legal personality at an international level, something which is not taken into account in the report. According to article 149.1.3 of the 1978 Spanish Constitution, the state is the only body authorised to act at an international level. Only the central government has authority in the international sphere and therefore, only the central government is responsible for honouring its commitments.

2.2.6. Measures adopted for improving general awareness of the Charter

According to the authors, it is not necessary to take specific measures in order to promote and raise general awareness of the Charter, since the Spanish legal system already complies with the requisites specified in the Charter at both a national and autonomous level (in those ARs with *regional* languages).

This declaration makes it abundantly clear that the Spanish government, like the Navarra government, has taken no measures whatsoever to promote awareness of the Charter. In this sense we should highlight the fact that the Navarra government has eliminated the reference to the European Charter on Regional and Minority Languages from the preamble to the current regulation on the use of the Basque language in the public administration³². ‘*As a final observation, we should point out that the elimination of the reference to the European Charter on Regional and Minority Languages (despite its presence in the draft document) constitutes a clear indication of the overriding spirit of the new decree*³³’.

2.2.7. Measures adopted for implementing the Recommendations of the Committee of Ministers and for informing the corresponding authorities of the Recommendations

As in the previous point, we should highlight the supposed self-sufficiency of the Spanish legal system regarding this matter and the report’s assertion that there is no need to always inform the corresponding authorities: ‘the level of protection already established by the Spanish legal system is considered to be adequate and sufficient, and no specific information policy aimed at the public authorities is therefore considered necessary at the present time’.

As the element which ensured general knowledge of the Charter, the report refers to *'the debate held in the Chamber of Deputies and the Senate on the ratification of the Charter'*. It seems contradictory to highlight the extensive degree of discretion enjoyed by the autonomous regions as regards the enforcement and promotion of the corresponding language policies and then to believe that a debate in the Chamber of Deputies is enough to ensure that all ARs are duly informed. This contradictory stance becomes even more obvious if we consider that international representation falls to the exclusive authority of the central administration and that the ARs have no representation in Europe. In this sense, the central government's obligation should be, at least, to inform the ARs specifically of the commitments made on their behalf by the state (149.3 EC) and how this will affect their own regional activities.

2.3. Part two: application of art. 7 of the charter, regarding objectives and principles

Article 7. Objectives and principles.

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

This article must be complied with in full. According to the authors, article 7 is complied with, although the report passes over this point extremely quickly, mentioning only 7.1.a, 7.1.b and 7.1.e and making no reference whatsoever to the others.

The following assertion requires special analysis: *'the promotion measures taken depend on the will of the democratically elected institutions in each autonomous region'*.

The international agreements ratified by Spain must be complied with by the central administration, the autonomous administrations and the local administrations. Both the autonomous and local administrations are part of the state and are bound by the agreements entered into by the central government in Madrid. In this sense, the protection of citizens' rights should not depend on administrative will. Failure by any autonomous region to guarantee the rights recognised in the Charter is a failure on the part of the state, and this cannot be excused on the basis of the distribution of political authority established by the Spanish autonomous system. If the state has exclusive international representation (SC art. 149.3), then it also has exclusive responsibility for putting international agreements into practice and ensuring their compliance.

Furthermore, compliance with the Charter should not depend on political will. The right to use a minority language generates the public

administration's obligation to guarantee that right, and this should never be allowed to depend on political majority. The obligations established in the Charter and ratified by the Spanish state form the basis and governing principles of the language policy that should be implemented by the administrations, with the only discretion permitted being that of going beyond what was ratified, understood in a generous and non-restrictive sense (ECRML art. 4)

Art. 7.1:

- a) *the recognition of the regional or minority languages as an expression of cultural wealth;*
- b) *the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;*

In relation to paragraph *b*), we should mention once again the zoning system established by Regional Act 18/1986 on the Basque Language, the direct consequence of which has been discrimination against Basque-speakers within the Navarra Autonomous Region, depending on the zone in which they live or carry out their activities³⁴. In short, the RABL 18/86, which establishes different zones and therefore different rights, discriminates against Navarran citizens on the basis of language and place of residence. Basque speakers in the north do not have the same rights as Basque speakers in the south, while Spanish speakers (i.e. speakers of the majority language) have the same rights in all zones. Furthermore, as mentioned above, these territorial limitations prevent the language requirements demanded by Navarran society from being protected and developed, making the zoning system the greatest objective obstacle for the promotion and normalisation of the Basque language in the Navarra Autonomous Region.

Art. 7.1:

- c) *the need for resolute action to promote regional or minority languages in order to safeguard them;*

The actions taken to develop and promote the Basque language have been few and far between and have decreased even further over recent years. The government's actions are worryingly regressive³⁵.

Art. 7.1:

- d) *the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*

Regulations governing the relationship between the administration and citizens gives preference to the use of the Spanish language. Neither the Navarra government nor the local council of the capital city, in which the central services for the region are based, respect the bilingual nature of the Region. Many complaints have been lodged by citizens against the administration on the grounds of its failure to respect the language rights of the population. In November 2002, the Nafarroako Ararteko (Navarra Ombudsman) published a report accusing the Pamplona city council of failing to comply with his own bylaws and violating the rights of Basque-speaking citizens³⁶.

Art. 7.1:

- e) *the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;*

The following Agreements signed with the Basque Autonomous Region have either been dissolved or have failed to give rise to any tangible effects:

- Collaboration Agreement between the Basque Autonomous Region, the Navarra Autonomous Region and the Álava, Guipúzcoa and Vizcaya Provincial Governments to fund the Royal Academy of the Basque Language - Euskaltzaindia, signed on 7 October 1989. **(Navarra also has a private agreement signed on 06/11/02, which establishes a new bilateral model between the Navarra government and Euskaltzaindia)**
- Collaboration Agreement between the Basque Autonomous Region and the Navarra Autonomous Region for enabling broadcasts by the Basque radio and television station - *Euskal-Irrati Telebista* (EITB) to be received in Navarra, signed on 17 April 1996. Despite this, EITB can still not be received throughout the whole of Navarra and the Navarra government constantly criticises its management.
- Collaboration Agreement between the Basque AR, the Navarra AR, the Álava and Guipúzcoa Provincial Governments and the *Unibertsitate Zerbitzuetarako Euskal Ikastetxea* (UZEI) Association for carrying out Language Research Projects aimed at the Normalisation of the Basque Language, signed on 7 March 1997.
- Collaboration Agreement between the Basque AR, the Navarra AR, the Álava, Guipúzcoa and Vizcaya Provincial Governments and the Royal Academy of the Basque Language - *Euskaltzaindia*, for establishing the General Bases for Collaboration between parties and regulating the framework of commitments adopted by each party with the aim of guaranteeing the future activities of *Euskaltzaindia*, signed on 8 March 2000.

Art. 7.1:

- f) *the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages.*

In this sense, we should draw attention to the currently ‘alegal’ situation³⁷ of the *ikastolas* (schools which teach all subjects in the Basque language) in the Non Basque-speaking zone. The *ikastolas* are mainly funded by students’ parents and society in general through public events such as *Nafarroa Oinez* (Navarra on foot), an annual, non-institutional festival held in a different location every year, which aims to promote and foster Basque language use and Basque culture in the town in which it is held, while at the same time raising funds through voluntary contributions by the thousands of people who believe in and are committed to the survival of the Basque language³⁸. The money raised during the *Nafarroa Oinez* event is invested in the *ikastola* of the town in which the festival is held³⁹. The financial aid received from the government has recently been reduced and replaced by a special, transitory system of subsidies.

Art. 7.1:

- g) *the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;*

At the end of 2002, the Pamplona city council surprised us by cancelling three programmes or initiatives aimed at promoting Basque use without offering any explanation for its motives, despite the fact that one of the councillors requested specific information regarding this matter, since with the close of the financial year, the activities could no longer be carried out. One of the programmes that were cancelled involved the conferring of grants for attending Basque language courses at special total immersion boarding schools⁴⁰.

Art. 7.1:

- h) *the promotion of study and research on regional or minority languages at universities or equivalent institutions;*

Over recent years, no such studies have been carried out (despite the existence of a special item on the budget earmarked for such activities) and furthermore, these funds have now been diverted to other types of university research projects that have nothing to do with the Basque language.

Art. 7.1:

i) the promotion of appropriate types of transfrontier exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

This area will be analysed in more detail later on in point **2.4.7. Transfrontier exchanges.**

Art. 7.2: The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

Based on the argument that the Basque language discriminates against Spanish-speaking citizens, the courts in the Navarra Autonomous Region have rejected an appeal against the negation of a broadcasting licence for a radio station working entirely in the Basque language.

Furthermore, using the same argument (i.e. that Basque discriminates against Spanish speakers) a new decree has been enacted regarding the use of the Basque language in the public administrations (RD 372/2000⁴¹) which restricts the rights of Basque speakers and

against which an appeal was lodged in the courts. The Vice President of the Navarra government justified the new decree on the use of the Basque language in the administrations by saying that the former regulation enacted in 1994, which adopted the values of the Charter in the explanation of its motives, enabled ‘*abusive use in favour of Basque-speaking citizens, to the detriment of those who only speak Spanish*’⁴². In his opinion, it is not ethical to award some people more points when applying for a post in the regional administration simply because they happen to speak a language which was maltreated in the past’⁴³. In reference to Regional Decree 372/2000, the President of the Navarra government made following statement: ‘*its sole aim is to guarantee equal opportunities for accessing jobs in the public administration for all Navarran citizens, regardless of whether or not they speak Basque and regardless of whether or not they speak English*’⁴⁴, but not regardless of whether or not they speak Spanish. These arguments contradict the thesis and philosophy established by the Spanish Constitutional court⁴⁵.

Although Regional Decree 372/2000 has been declared null and void by the courts⁴⁶, the administration continues to apply it since the ruling is currently being held in abeyance pending the resolution of the appeals lodged by the Navarra government. Furthermore, the government has announced a new decree which follows the same criteria as the previous one⁴⁷, the only difference lying in a final provision which establishes economic funds to replace the bilingual signposts (in Basque and Spanish) with monolingual ones (in Spanish only).

Art. 7.3: The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

On many occasions during this report and we have referred to accusations made by the Navarra administration against groups working in favour of the Basque language, as well as its ongoing argument that the promotion of Basque discriminates against Spanish speakers.

Art. 7.4: In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

The current relationship between the administration and social collaborators working in favour of the Basque language is characterised by conflict and confrontation. Almost every step taken by the government has been contested and appealed against in the courts. Similarly, the Navarra Basque Language Council, a meeting point for the administration and society, is also the subject of an appeal. Over half the members of the Council do not speak Basque, a *quorum* of just 3 (out of 20) is sufficient for decision-making purposes and one third of the members hold positions of trust within the government. The government has appointed an *ad hoc* Council which guarantees neither plurality nor a balanced representation of both the administration and groups which use the Basque language. The only thing that it does guarantee is the automatic approval of government policies. The current structure of the Council enables the President of the government, the Director for Language Policy and the Minister for Education to analyse and advise on their own policies, with the presence of these three officials being sufficient to ensure formal approval of the reports regarding government actions.

2.4. Part three: application of paragraphs and options selected by Spain

The authors of the Spanish report clearly state that they consider their task to be one of normative compilation: *‘the basic method used for drafting the report was the revision of the laws and other precepts existing in the legal codes of the autonomous regions referred to above’*.

Before revising the articles selected by the Spanish State, we feel we should draw attention to a comment made by the authors of the Spanish report: *‘another matter to bear in mind in order to understand the complexity of the report is the evolution of the situation over the years, since the regional language has been a co-official language for twenty years now and during this time a number of changes have taken place. Language policies have undergone slight modifications and are not the same throughout the entire twenty-year period’*. This is evident in Navarra: we cannot compare the *‘enabling’* language policies developed by previous governments with the restrictive and reactionary ones implemented by the current authorities.

2.4.1. Article 8. Education

Paragraph 1.

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- a. i) To make available pre-school education in the relevant regional or minority languages.*
- b. i) To make available primary education in the relevant regional or minority languages.*
- c. i) To make available secondary education in the relevant regional*

or minority languages.

- d. i) To make available technical and vocational education in the relevant regional or minority languages.
- e. iii) If, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i. and ii. cannot be applied, to encourage and/or allow the provision of university and higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects.
- f. i) To arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages.
- g. To make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language.
- h. To provide the basic and further training of the teachers required to implement those of paragraphs (a) to (g) accepted by the Party.
- i. To set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

Paragraph 2.

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, to encourage or to provide teaching in or of the regional or minority language at all the appropriate stages of education.

As regards Education, the political system is, according to the report, as follows: *‘Education. The State may adopt basic laws for promoting the right to education (Art. 149.1.30 of the Constitution), and the autonomous regions may subsequently develop this legislation’*.

Furthermore, according to the report presented by Spain, *‘even before the approval of the respective Statutes of Autonomy, the State assumed and regulated the use of regional languages in education by means of different legislative resources’*. In relation to Navarra, mention is made of Royal Decree 1713/1991, dated 29 November, which includes the Basque language in aptitude tests for access to Faculties, Advanced Technical Schools and University Colleges in the Navarra Autonomous Region.

It is ridiculous and totally contradictory to use Royal Decree 1713/1991, dated 29 November 1991 as an example of that stated above, since the Improvement of the Navarra *Fueros*⁴⁸ had already been approved nine years previously, in 1982.

UNIVERSITY

According to the report and based on article 2⁴⁹ of the Organic Law on Universities (OLU) 6/2001 *‘all Universities located in autonomous regions which have their own language may offer classes in the said language, although it is up to each individual University to determine the scope of this right’*.

Although this interpretation is somewhat debatable, since this provision is not expressly stated in the text of the Law, the current situation vis-à-vis the Navarra Public University (NPU) presents a very different picture. In the Navarra Autonomous Region, an act on the use of the Basque language in the NPU is currently a subject of heated debate in both the government and society at large. If passed, this act would restrict the autonomy of the university as expressed in the Spanish Constitution and would go against the interpretation offered by the State of article 2 of the OLU 6/2001 in its report.

This attempt by the regional government to regulate Basque language use in the university from outside this institution, when there is already a regulation to this effect established by the university itself, clearly contradicts the principle of university autonomy established in the Constitution. Regional Decree 68/1995, section 5, articles 102 to 109 (inclusive) regulate Basque use in the university. Article 102.1 states that: *‘all members of the university community are guaranteed their right to use Basque and Spanish in the terms established in the following article, and no one may be discriminated against for using either of the two languages in the university environment’*. Article 1 of the bill proposed by the regional government leaves us in no doubt of its priorities: *‘the Navarra Public University will impart in Spanish all classes and subjects included in the official syllabus of official university degrees valid throughout the national territory and recognised as such by the Council of Universities or, where appropriate, the University Co-ordination Council’*.

This situation has come about despite the fact that the overwhelming majority of the university community, over 75%, support the promotion of the Basque language and consider the presence of *Euskara* in university life to be extremely low. One immediate consequence of this policy is that many Navarran students who wish to study subjects other than midrange teaching degrees in Basque are forced to move to the Basque Autonomous Region in order to do so.

Finally, and somewhat paradoxically, it is surprising that while Basque is being pushed to one side in the university environment and the regional authorities are attempting to establish a much narrower legal framework for this language, the English language, on the other hand, is being imposed without prior debate, as observed by Carlos Vilches, a sociology lecturer at the Navarra Public University⁵⁰.

SECONDARY EDUCATION

In this area, state legislation simply outlines the general framework, which is in accordance with principles of the Charter. However, state legislation is merely a declaration of intent, since the ARs are responsible for developing these general principles to a greater or lesser extent, as they see fit. The regional legislation in effect in Navarra is as follows:

Regional Act 18/1986, dated 15 December, on the Basque language. Art. 19: *‘All citizens have the right to receive an education in Basque and Spanish at different educational levels (...)’*

Art. 20. *‘The Navarra government shall regulate the incorporation of Basque into teaching syllabuses and shall determine the methods by which it is applied in each centre, within the framework of that stipulated in this Regional Act regarding the different zones’*.

Regional Act 159/1988, dated 19 May, which regulates the incorporation and use of the Basque language in non-university education. This Act establishes the following language models for public and private schools in the autonomous region:

- Model A: All subjects are taught in Spanish, with Basque as a separate subject.
- Model B: The majority of subjects are taught in Basque and the rest in Spanish.
- Model D: All subjects are taught in Basque with Spanish as a separate subject.
- Model G: All subjects are taught in Spanish.

The consequences of the zoning system have already been explained above. However, we should point out that this intra-regional zoning model conflicts with the ratification of paragraph 2 of article 8 of the

Charter: ‘with regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, to encourage or to provide teaching in or of the regional or minority language at all the appropriate stages of education’.

Currently, the following schools located in the Non Basque-speaking zone are classed as ‘alegal’:

2002/2003				
IKASTOLA ⁵¹	Infant Education	Primary Education	Compulsory Secondary Education	Total
ARANGOITI	32	47		79
ARGIA	85	106	32	223
DEIKAZTELU	10	13		23
ERENTZUN	44	48		92
KORTES	?	?	?	?
MUSKARIA	9	17		26

The argument put forward by the central administration for refusing to grant these schools public funds alludes to their ‘alegal’ status. In turn, this status is based on the fact that they adhere to a certain language model in a geographical area of Navarra which the regional government considers to be non Basque-speaking, regardless of social demand. As stated above, this situation conflicts with the letter and spirit of article 8, paragraph 2 of the European Charter ratified by the Madrid government.

Evolution of (Infant and Primary) education in percentage terms. Basque-speaking zone⁵².

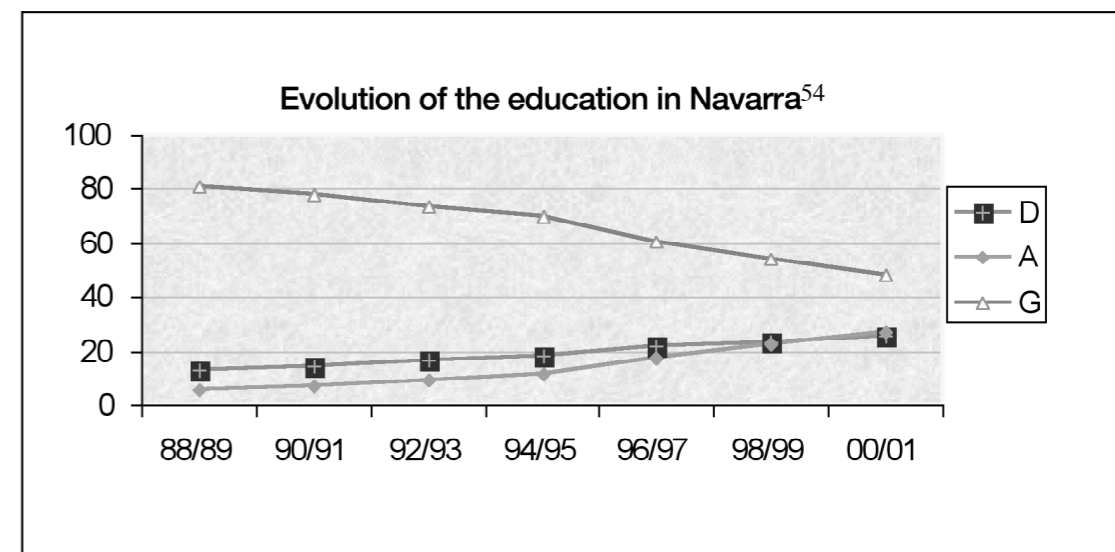
	88/89	90/91	92/93	94/95	96/97	98/99	00/01
D	48,37	55,99	64,1	73,03	79,77	82,8	85,26
A	43,02	38,73	34,36	26,57	20,21	17,2	14,74
G	8,61	5,28	1,54	0,4	0,02	0	0

Evolution of (Infant and Primary) education in percentage terms. Mixed zone

	88/89	90/91	92/93	94/95	96/97	98/99	00/01
D	13,36	14,43	16,66	18,8	22,78	25,2	28,18
A	1,44	4,35	6,76	8,26	14,13	19,3	22,4
G	85,2	81,22	76,58	73,94	63,09	55,5	49,42

Evolution of (Infant and Primary) education in percentage terms. Non Basque-speaking zone⁵³

	88/89	90/91	92/93	94/95	96/97	98/99	00/01
D	1,35	1,8	2,45	2,95	4,05	4,71	5,34
A	0	3,22	6,77	11,75	21,59	29,12	35,02
G	98,65	94,98	90,78	85,30	74,36	66,17	59,64



We cannot conclude this point without mentioning the ratios⁵⁵ according to which the administration provides educational facilities in accordance with social demand. In other words, there needs to be a specific number of students demanding the A, B or D model before the government will take steps to satisfy this demand⁵⁶. If the set number of students is not reached, the administration has no legal obligation to satisfy the social demand. The minimum number of students required has not changed since 1986, despite the fact that the birth rate has dropped significantly. In the Basque-speaking zone, the threshold is similar to that established for unitary schools (usually 6 students), whereas in the Mixed and Non Basque-speaking zones, a minimum of 15 students is required in rural areas and 20 students in urban neighbourhoods.

Finally, we should point out that these ratios only affect the educational models which include Basque, i.e. models A, B or D. The G model, in which all classes are imparted in Spanish, is not subject to these requirements and teaching facilities can be provided within this model in response to a demand by a single student. The inequality of this situation is evident.

ADULT EDUCATION

Regional Decree 161/88, dated 19 May 1998, clearly establishes the legislation affecting the governing bodies of adult education centres.

Adult literacy has always been and continues to be a key element in the normalisation of the Basque language. Recent history (Franco's dictatorship and the prohibition of the Basque language) and the current sociolinguistic situation of the Basque language require special attention to be paid to adult education in order to provide a generational link between Basque speakers. Today, it is not uncommon

to find families in which the parents do not speak Basque and yet the children study in this language.

In Navarra, adult education in the public sector consists of a single centre, opened just recently, located just a few kilometres outside the capital city. In light of this lack of public facilities (both now and in the past), it is again society which, in response to popular demand, has organised and set up a network of private centres mainly through two organisations: IKA and AEK. Although these private centres do receive public funds, the amount granted has not varied for the last five years, which in reality represents a cutback in the subsidies provided.

LANGUAGE TRAINING FOR TEACHERS

Act 18/1986, dated 15 December, on the Basque language.

Art. 21: *'The Navarra government shall, within the field of its authority, take the necessary steps to ensure that the syllabuses of teacher training centres guarantee adequate training of the staff required for providing education in the Basque language'*.

No further legislation has been enacted in this area. During the 2000-2001 academic year, 25 teachers were granted sabbatical leave in order to attend refresher courses in the Basque language. This response is insufficient in light of social demand.

2.4.2. Article 9. Judicial authorities

Paragraph 1.

a. In criminal proceedings:

i) To provide that the courts, at the request of one of the parties,

shall conduct the proceedings in the regional or minority languages.

- ii) To guarantee the accused the right to use his/her regional or minority language.*
 - iii) To provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language.*
 - iv) To produce, on request, documents connected with legal proceedings in the relevant regional or minority languages, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned.*
- b. In civil proceedings:*
- i) To provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages.*
- i*
- i) To allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense.*
 - iii) To allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translation.*
- c. In proceedings before courts concerning administrative matters:*
- i) To provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages.*
 - ii) To allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense.*
 - iii) To allow documents and evidence to be produced in the regional or minority languages.*
- d. To take steps to ensure that the application of sub-paragraphs (i) and (iii) and paragraphs (b) and (c) above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.*

In relation to the description offered at national level, we should highlight article 231 of the Organic Law on the Judiciary (OLJ):

- 1. In all legal proceedings, the Judges, Magistrates, Public Prosecutors, Secretaries and other functionaries of the Courts and Tribunals shall use Spanish, the official language of the State.*
- 2. The Judges, Magistrates, Public Prosecutors, Secretaries and other functionaries of the Courts and Tribunals may also use the official language of the autonomous region, providing none of the parties object, alleging a lack of knowledge of the language and therefore a lack of proper defence.^{57/58}*
- 3. The parties, their representatives and directors, as well as any witnesses and experts, may use the official language of the autonomous region in which the legal proceedings take place, in both written and oral applications.*
- 4. The judicial proceedings carried out and the documents presented in the official language of an autonomous region shall have full validity and efficacy without requiring translation into Spanish. Ex officio, the proceedings and/or documents shall be translated when they are to be applied outside the jurisdiction of the legal bodies located in the autonomous region, except in those autonomous regions with a coincident official language. The documents and/or proceedings shall also be translated when so required by law or at the request of a party alleging lack of proper defence.*
- 5. In oral proceedings, the Judge or Tribunal may appoint any person with a knowledge of the language used as an interpreter, providing they are duly sworn in.*

The report also includes the articles corresponding to the Code of Civil Procedure and the Code of Criminal Procedure, articles which are derived from the mandate established by the OLJ in article 231. This is stating the obvious. In any case, regardless of the articles

quoted above, the justice administration constantly fails to comply with the parameters of article 9, as pointed out by Josep Romeu⁵⁹. In this sense, we should remember that authority in this area corresponds to the state: the autonomous regions are only responsible for infrastructures, i.e. premises, computers, salaries, etc. The requisites and skills required for working in the justice administration falls under the authority of the central government.

The authors of the report state that: ‘*Authority in matters relating to the Justice Administration falls to the State (Art. 149.1.5), as do matters relating to company, criminal and procedural law (Art. 149.1.6); although the autonomous regions which have their own civil law are granted authority regarding its conservation, modification and development (Art. 149.1.8)*’. This reference to the ARs bears no relation whatsoever to the content of the Charter selected by Spain and the distribution of authorities established by the Constitution in this area. The reference is therefore inappropriate and only serves to attempt to exonerate the State from its responsibilities by erecting a smokescreen.

The Navarra Autonomous Region is not mentioned in this section of the report. However, in January 2003, the Navarra government demanded payment of € 14,427.45 for costs incurred as a result of the Basque-Spanish simultaneous translation service provided in proceedings held at the Pamplona Provincial Court in May 2001. The Navarra government has included this invoice for the translation service in the procedural costs to be covered by the convicted party, as established in the ruling, costs which are usually restricted to the invoices of the other party and solicitors fees⁶⁰.

2.4.3. Article 10. Administrative authorities and public services

Paragraph 1.

- a. *To ensure that the administrative authorities use the regional or minority languages.*
- b. *To make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions.*

Paragraph 2.

In respect of the local and regional authorities in whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- a. *The use of regional or minority languages within the framework of the regional or local authority.*
- b. *The possibility for users of regional or minority languages to submit oral written applications in these languages.*
- c. *The publication by regional groups of their official documents also in the relevant regional or minority languages.*
- d. *The publication by regional authorities of their official documents also in the relevant regional or minority languages.*
- e. *The use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State.*
- f. *The use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State.*
- g. *The use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

Paragraph 3.

- a. *To ensure that the regional or minority languages are used in the provision of the service.*
- b. *To allow users of regional or minority languages to submit a request and receive a reply in these languages.*

Paragraph 4.

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

- a. *Translation or interpretation as may be required;*
- b. *Recruitment and, where necessary, training of the officials and other public service employees required;*
- c. *Compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.*

Paragraph 5.

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

GENERAL REGULATIONS GOVERNING THE USE OF THE REGIONAL LANGUAGE BY THE PUBLIC ADMINISTRATION

In the section dedicated to the NAR, the following decrees are mentioned:

Regional Decree dated 12 September 1991, which governs the use by the regional administration bodies of the various official terms approved by the Navarra government through the Regional Act on the Basque language. The administration constantly fails to comply with this decree. Both the Navarra government and the local council of the capital city generally, if not exclusively, use the Spanish option.

Regional Decree 135/1994, dated 4 July, which governs Basque use in the Navarra Public Administration. **(Repealed)**

Regional Decree 372/2000, dated 11 December, which governs Basque use in the Navarra Public Administration **(Abolished by the Navarra High Court of Justice, although still enforced by the government which has lodged appeals on three occasions, thereby preventing the enforcement of the ruling)**⁶¹.

As you can see, the description and validity of the data offered in this section leaves a lot to be desired.

USE OF THE REGIONAL LANGUAGE IN ADMINISTRATIVE PROCEEDINGS

Whether it be due to embarrassment or an attempt to conceal data, the report makes no mention of the NAR in this sub-point. We should therefore point out that the zoning system established in the RABL, in conjunction with the effects of the abolished but still enforced Decree 372/2000, only offers legal protection in the Basque-speaking zone, although in practice this protection is far from adequate. In the Mixed and Non Basque-speaking zones, this right is not guaranteed.

Article 11 of Regional Act 18/86 states that: *‘All administrative proceedings will be valid and will have full effectiveness regardless of the official language used. As a consequence, all minutes involving public administration bodies, as well as administrative notices and communications, should be drafted in both languages, except on occasions on which the parties involved expressly choose to use only one language’.*

Despite the good intentions of this Act, the Decree which is responsible for developing it espouses a sharply contrasting attitude:

Art. 12.3 of RD 372/2000 states that: *'In the central services of the Navarra Autonomous Region, based in Pamplona, whose activities encompass the entire population, an official Basque-Spanish translation unit shall be established and complementary measures shall be taken in order to enable basic administrative services to be provided in Basque when the user so requires'*.

Art. 14.2: *'Administrative documents, notices and communications drafted by the Navarra Autonomous Region Administration and related public law entities based in the Mixed zone for the benefit of other administrations based in the Basque-speaking and Mixed zones should be written in Spanish, except when relating to administrative proceedings initiated in Basque in the Basque-speaking zone, in which case they should be drafted in both languages'*.

Art. 14.3: *'Administrative documents, notices and communications addressed to the Public Administration and related public law entities not included in the previous sections should be drafted in Spanish. Such texts may be drafted in both languages when they relate to administrative proceedings initiated in Basque in the Basque-speaking zone'*.

Art. 15.1: *'Communications and notices drafted by the Navarra Autonomous Region Administration services based in the Mixed zone for the benefit of natural and legal persons in the Basque-speaking zone shall be written in Spanish, except in cases in which the parties concerned expressly request the use of Basque, in which case they shall be drafted in both languages'*.

Art. 17.1: *'The Public Administration in the Non Basque-speaking zone will require all parties concerned to provide the simultaneous Spanish translation of any documents presented to them in Basque, although where this is not possible, they may use the official*

translation services in order to attend to those citizens who, in the exercising of their rights, wish to use only the Basque language'.

Art. 17.2: *'All proceedings, forms, stamps, documents, notices, communications, signposts, signals, publications and publicity produced by the Public Administration and related public law entities in the Non Basque-speaking zone shall be drafted in Spanish'*.

This attitude is far removed from that stipulated in the Charter: *'to ensure that the administrative authorities use the regional or minority languages; to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions; to allow the administrative authorities to draft documents in a regional or minority language'*.

USE OF TEXTS AND FORMS

The report makes no mention of the NAR in this sub-point. In the Mixed and Non Basque-speaking zones, this right is not guaranteed. Article 13 of Regional Decree 372/2000 states that: *'In the forms destined for internal use and paperwork used by the Public Administration services and related public law entities based in the Mixed zone, headings and letterheads should be written in Spanish'*.

REGISTERING

The report makes no mention of the NAR in this sub-point.

USE OF REGIONAL LANGUAGES IN PUBLIC DOCUMENTS

The report makes no mention of the NAR in this sub-point, which is curious considering the large amount of material existing on this matter, all of which is unfortunately negative. A quick look at the articles of Regional Decree 372/2000, which governs the use of Basque in the Public Administration, reveals the following:

Art. 9.2 of RD 372/2000 states that: *'In accordance with that stipulated in articles 12 and 13 of the Regional Act on the Basque Language, and in the terms contained therein, civil servants invested with the authority to attest administrative documents should, in all cases, issue copies in Spanish of the public documents presented to their respective Administrations destined for application outside the Basque-speaking zone. Similarly, the issuing of copies and certifications of entries made in the Registers dependent on the Public Administration shall be carried out in either of the official languages'*.

Additional provision 5 of RD 372/2000 states that: *'When it is necessary to resolve a conflict of interpretation regarding content between the Spanish and Basque versions of official documents, the Public Administration and related Bodies will resolve the matter by having recourse to the document written in Spanish'*.

PUBLICATION OF PROVISIONS AND MINUTES
IN CO-OFFICIAL LANGUAGES

As highlighted in the report, article 7 of the Regional Act on the Basque Language 18/1986 states that: *'The Navarra Official Gazette and the Official Gazette of the Navarra Parliament shall be published in both Spanish and Basque, in separate and simultaneous editions'*. Here, we would like to point out that the publication of a bilingual edition of the Navarra Official Gazette and the Official Gazette of the

Navarra Parliament would contribute more to the normalisation of the Basque language than the current system of publishing two separate editions (in Basque and Spanish).

USE OF CO-OFFICIAL LANGUAGES IN REGIONAL ASSEMBLY DEBATES

The report makes no mention of the NAR in this sub-point.

USE OF CO-OFFICIAL LANGUAGES IN LOCAL ASSEMBLY DEBATES

Use varies in accordance with the different municipal bylaws. In this sense, the zoning system also contributes to restricting rights.

USE OF PLACE NAMES IN REGIONAL LANGUAGES

In theory, this is correct. In practice, however, certain administrative actions have been appealed against on the basis that they fail to comply with the regulations regarding place names⁶².

LANGUAGE TRAINING OF CIVIL SERVANTS AND PUBLIC EMPLOYEES

Currently, the value attached to a knowledge of the Basque language when applying for a job in the public administration is equal to or less than that attached to other official languages of the EU, such as English, French and German. The new regulation also introduces further obstacles in this field. Whereas before, civil servants were granted permission to attend language courses during working hours, today, 50% of the time dedicated to language training must correspond to time outside working hours.

RD 203/2001 specifies the regulations governing the employment of the organic staff of the Navarra Autonomous Region Administration and its autonomous bodies. However, no mention is made of training.

USE OF PATRONYMIC NAMES IN CO-OFFICIAL LANGUAGES

Nothing to add.

2.4.4. Article 11. Media⁶³

Paragraph 1.

The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

- a. *To the extent that radio and television carry out a public service mission:

 - i) *To ensure the creation of at least one radio station and one television channel in the regional or minority languages; or**
- b. i) *To encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or*
- c. i) *To encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or*
- d. *To encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*
- e. i) *To encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;*
or

- f. ii) *To apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*
- g. *to support the training of journalists and other staff for media using regional or minority languages.*

Paragraph 2.

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Paragraph 3.

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

USE OF REGIONAL LANGUAGES IN RADIO AND TELEVISION

The report mentions article 55 of the Organic Law for the Reinstatement and Improvement of the Navarra Fueros (OLRINF)⁶⁴. This article states that:

1. *Navarra is responsible for the legislative development and enforcement of the radio and television provisions in the terms and cases established by the Law which governs the legal Statute for Radio and Television.*
2. *Similarly, it is also responsible for the legislative development and enforcement of the basic state regulations regarding the press and, in general, all the social media.*
3. *In accordance with that established in previous sections, Navarra may regulate, create and maintain its own press, radio and television and, in general, all the social media required for the fulfilment of its objectives.*

As you can see, no mention is made of the use of *regional* languages. In this sense, we should point out that the only radio station which broadcasts its programmes entirely in Basque in Pamplona (*Euskalerría Irratia*) has been broadcasting ‘alegally’ for 16 years, because the government refuses to grant it a licence. Furthermore, the Navarra High Court rejected an appeal presented by this broadcasting company against the granting of licences by the Navarra government in 1989, on the basis that a radio station broadcasting in Basque discriminates against Spanish speakers⁶⁵. Currently, the last series of licences granted by the Navarra government in 1994 is being analysed by the Navarra High Court of Justice in an attempt to determine its legality. Finally, we should add that in the last series of economic subsidies granted with the purpose of promoting Basque use in the media in Navarra in 2002, the Directorate General for Language Policy refused to grant financial aid to this radio station on the grounds that it did not have a licence (which in turn is due to the fact that the

government has systematically rejected all its applications).

The Navarra government not only fails to comply with any of paragraphs ratified by Spain, it also prevents popular or private initiatives from fulfilling the requirements of article 11.

In this respect, article 27 of the RABL states that:

1. *The Public Administration shall encourage the gradual presence of the Basque language in the social, public and private media. To this end, the Navarra government shall establish economic and material aid programmes for the media which use Basque habitually and progressively.*
2. *In the television and radio stations and other media managed by the autonomous region, the Navarra government shall ensure the adequate presence of the Basque language.*

No regulations or provisions have been passed which develop and enforce this article.

In any case, there are numerous examples of the Navarra government’s activities in this area. As regards the granting of licences for digital television broadcasts, the Navarra Audio-Visual Council has established, as a minimum requirement, the obligatory broadcasting of bilingual news programmes that respect the true linguistic situation in the territory. The requisites required by the government for the granting of this type of licence ignore this requirement.

As regards the granting of economic aid for Basque language use in the media, although these subsidies are granted annually, in recent years the requisites required for receiving such aid have varied from year to year, with the paradoxical result of automatically disqualifying the only media organisations in the territory which work exclusively in the Basque language⁶⁶.

As regards this year's call for applications, we feel we should highlight the following two points:

1. The 20% reduction in the subsidies granted.
2. The automatic disqualification of the only three media organisations operating throughout the Navarra region that work exclusively in Basque (the radio station *Euskalerrria Irratia*, the magazine *Nabarra* and the newspaper *Egunkaria*).

It is, to say the least, contradictory that as a result of its self-imposed restrictions, the administration now only grants financial aid to those media organisations operating throughout the Navarra region that publish or dedicate a separate vernacular (not social) section to the Basque language, thereby hindering the normalisation of the Basque language in the media and generating social and legal conflict⁶⁷. All this also conflicts with the legal mandate established by article 27 of the RABL 18/1986 which calls upon: '*The Public Administration to promote the gradual presence of the Basque language in the social, public and private media*'.

In light of this negative approach by the regional administration, the local administrations have responded to social demand by creating and promoting Basque media organisations at a local level⁶⁸. However, this situation is highly precarious and the future of these organisations is far from assured.

PROMOTION OF THE USE OF REGIONAL LANGUAGES IN AUDIO-VISUAL PRODUCTIONS

No regulations or practical examples seem to exist for this area.

USE OF REGIONAL LANGUAGES IN THE PRESS

Subsidies have been granted recently more on the basis of political rather than linguistic criteria: in 2001, the subsidy granted to a section dedicated to Navarra by the only newspaper published entirely in Basque, *Egunkaria*, was withdrawn, while the financial aid granted to a newspaper which publishes a weekly page in a Basque that neither follows the grammatical rules of the unified language, nor any of the dialects used in Navarra, was increased. In 2002, the newspaper *Egunkaria* was once again disqualified from receiving financial aid as explained earlier in this document.

Due to the irregularities in the criteria used for awarding financial subsidies last year, the Director General for Universities and Language Policy is currently being tried by the courts on charges of breach of trust.

2.4.5. Article 12. Cultural activities and facilities

Paragraph 1.

With regard to cultural facilities and activities, especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary works and film production, vernacular forms of cultural expression, festivals and the culture industries, including, inter alia, the use of new technologies -the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field, to:

- a. Encourage types of expression and initiatives specific to regional or minority languages and foster the different means of access to works produced in these languages;*
- b. Foster the different means of access in other languages to works produced in regional or minority languages by aiding and*

- developing translation, dubbing, post-synchronisation and subtitling activities;*
- c. Foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;*
- d. Ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;*
- e. Promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*
- f. Encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;*
- g. Encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;*
- h. Create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.*

Paragraph 2.

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

Paragraph 3.

The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

MEASURES RELATING TO BOOKS AND READING

The Navarra government and some local councils have established subsidies for publications, aimed at promoting reading and literary creation.

MEASURES RELATING TO THE PROMOTION OF FILM MAKING AND AUDIO-VISUAL PRODUCTIONS

We recently learned that the Pamplona local council has refused to grant a subsidy to this year's Basque film festival, which has been held every year since 1998 and is organised by a cinema in the city and the Karrikiri cultural organisation. In the middle of 2002, the councillor for culture at the Pamplona local council, Vicente Etayo (UPN), sent a letter to the said cultural organisation warning it that this year, the right to organise such festivals would be granted on the basis of a public tender. By the end of 2002 nothing had been put out to tender.

MEASURES RELATING TO THE PROMOTION OF THE DRAMATIC ARTS

No regulations or practical examples seem to exist for this area.

MEASURES RELATING TO LIBRARY CO-ORDINATION

No policies or plans exist in this field. There are no bilingual

catalogues, books are not catalogued in Basque, there is no standardised bilingual signposting policy for libraries and users are not guaranteed a service in Basque, etc. In recent years, the Navarra Library Network has not sent out any of the 10 or 15 best-selling novels in the Basque language. Thanks to Regional Decree 372/2000, it is now no longer necessary to speak Basque in order to apply for a job as a librarian in the Basque-speaking zone, since the Basque language is awarded the same value as English, French or German.

MEASURES RELATING TO ARCHIVE MANAGEMENT

No regulations or practical examples seem to exist for this area.

OTHER MEASURES FOR PROMOTING THE USE OF REGIONAL LANGUAGES

According to the report: *‘Organisation of Cultural Activities and Services. The use of Basque by the Navarra Autonomous Region Administration is governed by Regional Decree 372/2000, dated 11 December, which is the document by which the Directorate-General for Culture abides as regards the organisation of cultural activities and services.*

The majority of the activities derived from this category correspond to the promotion of books or reading, but the Decree equally enables the granting of subsidies for all cultural activities, regardless of whether they are carried out in Spanish or Basque.

Granting of Subsidies to Local Corporations, governed by a Regional Decree dated 25 January 1990, for programmes aimed at developing the Regional Act on the Basque Language.

It is worth noting the restrictive policy of the Navarra government’s Directorate-General for Culture. Basque is marginalised as much in its

publications, notices and paperwork, etc., as in its cultural activity programmes.

2.4.6. Article 13. Economic and social life

Paragraph 1.

With regard to economic and social activities, the Parties undertake, within the whole country, to:

- a. Eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- b. Prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- c. Oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*
- d. Facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above subparagraphs.*

Paragraph 2.

With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible, to:

- a. Include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, ensure the implementation of such provisions;*

- b. *In the economic and social sectors directly under their control (public sector), organise activities to promote the use of regional or minority languages;*
- c. *Ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*
- d. *Ensure by appropriate means that safety instructions are also accessible in regional or minority languages;*
- e. *Arrange for information provided by the competent public authorities concerning consumer rights to be made available in regional or minority languages.*

In relation to the NAR, the report reads as follows:

‘One point of interest is the adoption by this autonomous region of the following two specific Plans of Action for the different geographical zones into which the region is divided, which give concrete details of the initiatives to be set in motion.

1. *Plan of Action for Applying the Provisions on the Use of the Basque Language in the Mixed zone, approved by the Government Cabinet on 8 January 2001.*
2. *Plan of Action for Applying the Provisions on the Use of the Basque Language in the Basque-speaking zone, approved by the Government Cabinet on 8 January 2001’.*

In addition to the debatable relevance of these two Agreements in this section, the authors seem to have overlooked their severely regressive nature in comparison with earlier provisions, since their purpose is the development of the now abolished Regional Decree 372/2000. Due to their regressive nature, both plans of action have been declared null and void by the Navarra High Court of Justice⁶⁹.

2.4.7. Transfrontier exchanges

The parties undertake:

- a. *To apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;*
- b. *For the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.*

Despite the signing of a Transfrontier Framework Agreement between Spain and France (10 March 1995) and the Basque Country-Navarra-Aquitaine Agreement, no specific actions have yet been taken in this field.

The only point worth highlighting in this area are the subsidies established by Regional Order 72/2002, not because they refer to promoting the Basque language in accordance with the principles established in this article of the Chapter, but rather because they serve to promote transfrontier co-operation. The subsidies are granted from the Co-operation Fund established by the Agreement on Transfrontier Co-operation between the Navarra government and the Regional Council of Aquitaine. In axis III, the Order refers to the following, *‘training and culture: Training for the development of transfrontier activities, co-operation between non profit-making institutions, promotion of French-Spanish bilingualism and development of the Basque language’.*

The wording of this third axis is curious, especially as regards the established intention of promoting French-Spanish bilingualism. We should not forget that the objective of this Order is to establish a series of subsidies granted by the Navarra government for transfrontier co-operation projects between public or private natural or legal persons within the Navarra Autonomous Region and public or private natural or legal persons in the Region of Aquitaine, an area which encompasses the French Basque Country. As you can see, the Basque language is awarded a merely anecdotal-folkloric value in this initiative and in the actions of this regional government.

We cannot conclude this point without mentioning the very serious situation in which Basque, the native language of the French Basque Country, currently finds itself. As you are no doubt aware, the French Republic has not ratified the European Charter on Regional and Minority Languages and its internal legal system defines any recognition of a language other than French as unconstitutional. As a result, Basque is not recognised as a language with any rights, thus paving the way for its disappearance. In light of this situation, and with the aim of protecting the Basque language, we call upon the European institutions to appeal to the French state to rethink its attitude towards the ratification of the Charter as soon as possible and to modify its constitution in order to enable the legal system to recognise and acknowledge the existence within the country of languages other than French.

3. Conclusions

Right from the start, the text presented by Spain is involved and confusing. The report represents the worst abuse of political rights and offers an incomplete view of the legislation related to, or in some cases, relevant to minority languages. On some occasions it refers to regulations that fail to comply with the minimum European standards established in this area. Excessive legislative data are offered with no references as regards sources. The table of contents is incomplete and the numbering of the various points is incorrect.

The authors of the report make constant reference to the Spanish system of autonomous regions. This system distributes political authority between the different administrations that make up the state: central, autonomous and local. As a result, according to the report, the autonomous regions which have their own regional or minority languages are ultimately responsible for complying with the criteria established in the Charter. The administrations of these regions are those responsible for enforcing the Charter and, therefore, those responsible for ensuring its compliance. In other words, the central administration is not responsible for the internal enforcement of the Charter. However, the current Spanish legal system establishes the central administration as the sole body with authority at an international level (Art. 149 of the 1978 Spanish Constitution) and therefore, the only body which is answerable to the Council of Europe. As a consequence, the central administration's defence of its stance and actions is extremely weak, as is its knowledge of the situation vis-à-vis minority languages in the various autonomous regions (as is evident from the many errors contained in the report). The end result of all this is a report of extremely low quality.

From a methodological point of view, it is vitally important to state the sources of any data included. However, the Spanish report only

gives references as regards the initial statistical data. As regards all other data and the lists of legislation, doubts arise, since it is often difficult to establish the sources of some of the information given. We are presented with an avalanche of data, some of which do not have specific sources, and a long list of unstructured regulations in which current legislation is mixed with acts and decrees that have either been repealed or even abolished.

In short, the report presented by Spain fails to comply with the requirements established in article 15 of the European Charter on Regional and Minority Languages.

As regards Navarra, the establishment and subsequent development of the zoning system outlined in Regional Act 18/1986 on the Basque Language is particularly relevant, due to its failure to guarantee the language rights of the minorities living outside the Basque-speaking zone. The zoning system, which discriminates against Basque-speaking citizens, was designed in contradiction of the criteria established by the Navarra Parliament and set up on the basis of criteria which have still not been clarified. Furthermore, these internal language frontiers have prevented, still prevent and will prevent in the future the establishment of flexible policies designed to respond to the real social demand for Basque language learning and use within the Navarra Autonomous Region.

The current Navarra government seeks to restrict the Basque language to the vernacular field, and at no point permits it to occupy other spaces within the field of social activity. Basque is fine for studying or as a linguistic treasure of mysterious and pre-Indo-European origins, but not as a serious language which demands a certain series of social rights. As a result, we are faced with the enactment of regressive legislation as regards Basque language use in the public administration and the university, the refusal to grant

financial aid to *ikastolas* located outside the area in which the government has decided Basque can be spoken, the fact that public funds are denied to media organisations which work in Basque and are given instead to those which use the language in a merely symbolic way, discrimination against teachers who work in *ikastolas* located in the non Basque-speaking zone and discrimination against civil servants applying for public posts, etc.

One of the explanations for this situation is the existence of political attitudes unwilling to tolerate ideas or identities which differ from their own and which go out of their way to reject them, criticise them and limit them as far as possible. Under the heading '*Future goals*', the political programme of the party which currently governs Navarra, UPN, states the following: '*in a few decades the use of the Spanish language will be on a par with that of the English language in the United States. The decision to take advantage of this opportunity, this competitive advantage, is by no means a move against the Basque language, although it should give those who (for political reasons) direct all their energy towards the dissemination of Batúa (unified Basque) pause for thought*'. **Explicatio non petita acusatio manifesta.**

In short, we should highlight that although the legal framework and system of distributed authority enables Navarra to comply with the criteria established in the Charter, the regional legislation and the practice itself is far from adequate in this respect.

4. Recommendations

- Revise the regional legislation in Navarra, adapt it to the criteria established in the European Charter on Regional and Minority Languages and enforce it.
- Apply the European Charter (parts II and III) throughout the Navarra Autonomous Region, thereby complying with the resolution passed by the Navarra Parliament on 3 November 1980 and ensuring the protection of the Basque language, which is currently at risk. Alternatively, develop and expand the protection specified in part III of the Charter to the Mixed zone and implement the criteria specified in part II in the non Basque-speaking zone.
- Language normalisation requires special attention by the administration, as well as the earmarking of specific resources. It is therefore necessary to create an administrative body which focuses its efforts and resources on co-ordinating the development and application of Regional Act 18/1986 on the Basque Language.
- The regional administration should guarantee the language rights of all Navarran citizens by enabling bilingual circuits.
- Put an end to situations of legal defencelessness and ‘alegality’, and provide legal protection for social demands regarding language rights in compliance with the principles of the European Charter on Regional and Minority Languages.
- Promote and develop media in the Basque language, paying particular attention to those organisations which use Basque as a comprehensive means of communication.

- Re-establish contact with those working in favour of the Basque language in the Navarra Autonomous Region.
- Normalise relations and establish standard policies with those territories in which Basque is a native language.
- Promote and develop research into Basque culture and language within the Navarran institutions and organisations. One example of such a move would be the creation of a professorship in the Basque language in at least one of the three universities located in Navarra.
- Language is a complex field which affects a number of a different areas in the social sector. In this sense, we recommend that the regional administration give other institutions (universities, local councils, etc.) a greater degree of autonomy as regards the regulation, development and promotion of the Basque language in Navarra, providing they comply with the principles established in the European Charter on Regional and Minority Languages.

Pamplona-Iruña, 2003, January 16th

NOTES

1. Part II: Objectives and principles: article 7.
2. Part III: Measures which should be taken in order to foster the use of regional or minority languages in public life: articles 8-14.
3. Committee which, in accordance with article 16.1 of the ECRML, is responsible for examining the report and whose constitution is governed by article 17 of the Charter.
4. The spanish report is available at:
http://www.coe.int/T/E/Legal_Affairs/Local_and_regional_Democracy/Regional_or_Minority_languages/Documentation/1_Periodical_reports/2002_7e_MIN-LANG_PR_Spain.asp#TopOfPage
5. BARANDIARAN, J.M., *El Hombre Primitivo del País Vasco*. FUNDACIÓN J.M. BARANDIARAN.
6. For more information about this theme, see ELIZABETH HAMEL and THEO VENNEMANN, *Vaskonisch war die Ursprache des Kontinents* in Spektrum der Wissenschaft, Num. 32. May 2002.
7. Euskal Herria is the name used by Basque speakers to refer to the land of the Basques.
8. On 21 November 2002, the French National Assembly rejected a proposed modification to article 1 of the Constitution designed to enable the recognition of 'regional languages' such as Euskara, Breton, Occitan or Alsatian.
9. Euskaldun is the Basque word used to describe Basque speakers.
10. JIMENO JURIO, J.M., *NAVARRA Historia del Euskara*, Txalaparta, Tafalla, 1997. p. 48.
11. URZAINQUI MINA, T., *Recuperación del Estado Propio*, Nabarralde, 2002. p. 7.
12. Following the conquest of highland Navarre by the Duke of Alba, under the orders of Ferdinand the Catholic, lowland Navarre survived as an independent political entity until 1620. Today, this region is one of territories which make up the French

- Basque Country (Nafarroa Beherea).
13. For more information about this theme, see Chapter III. JIMENO JURIO JM, *NAVARRA Historia del Euskara*, Txalaparta, Tafalla, 1997.
 14. TORREALDAI, J.M., *El libro negro del Euskara*, Tartalo, San Sebastián, 1998. p. 18
 15. TORREALDAI, J.M., *op. cit.*, pp 45-46
 16. TORREALDAI, J.M., *op. cit.*, pp 210-211
 17. 1978 Spanish Constitution, article 3.1 'Spanish is the official language of the country. All Spaniards have the obligation to learn it and the right to use it'.
 18. Ruling 82/1986 of the Spanish Constitutional Court, published in Official Gazette num. 159, dated 4 July 1986.
 19. RUIZ VIEYTEZ, EDUARDO J., *The European Charter on Regional and Minority Languages. Just another Instrument for Protecting Minority Languages?: Contents, Limitations and Opportunities*. Paper presented during the CONFERENCE ON THE EUROPEAN CHARTER ON REGIONAL AND MINORITY LANGUAGES – VIEWS ON ITS APPLICATION, organised by Euskara Kultur Elkargoa. Pamplona 2002.
 20. In fact, the greatest number of Basque-speakers are concentrated in the Mixed Zone.
 21. Resolution passed by the Navarra Parliament on 3 November 1980.
 23. Record of proceedings in the Chamber of Deputies, num. 126, 16 December 1997. p6646.
 23. In this sense, we have already mentioned above the ease with which the central government can interfere with an area as multidisciplinary as language and its use. See the reference to the distribution of political authority on page 10 of this report.
 24. MONREAL ZIA, G., *La Oficialidad del Euskara en Navarra*, in 'Conference on the Legal Status of the Basque Language', IVAP, Oñati, 1990. pp 11-163.
 25. One ruling by the Navarra High Court of Justice established that the existence of a

single radio station broadcasting in Basque in Pamplona discriminated against all those citizens who did not speak the language, despite the existence of dozens of radio stations broadcasting in Spanish. For its part, in the year 2000, the central government amended the regulation governing the use of Basque in the public administration, using the same argument that it was discriminatory against Spanish speakers.

26. Ruling 82/1986 of the Spanish Constitutional Court published in Official Gazette Num. 159, dated 4 July 1986.

27. Article 17 of Regional Act 18/1986, dated 15 December.

28. By way of example, a Press Release (15/10/2002) regarding a contentious-administrative case brought by the Euskara Kultur Elkargoa Foundation against the Regional Decree on the appointment of no nato members of the Navarra Basque Language Council states: 'The Navarra government fails to understand by what right this Foundation is appealing against these appointments (...) The Navarra government would like to respond to the appeal lodged by the Euskara Kultur Elkargoa Foundation against the appointments to the Navarra Basque Language Council by stating that this initiative is an attempt to paralyse the setting up of the Navarra Basque Language Council and to hinder the approval of the Regional Decree on Basque Language use (...) The appeal lodged by this Foundation is (to the understanding of this government) a delaying technique which uses contentious appeals to achieve this objective. (...) It is, in our opinion, a clear case of an antisocial manifestation of the Law, which the law itself does not protect, in which, on the one hand, an attempt is made to paralyse the functioning of the Council, while on the other, the report of the said Council is denied before the courts.' The appeal is currently being processed in the Courts.

29. During the signing ceremony, the Director General for Universities and Language Policy (DGLP) stated that the Navarra government would not participate in any project in which the term 'Euskal Herria' appeared.

30. It is significant that from 1999 onwards, the DGLP no longer formed part of the Department of the Presidency, being encompassed instead within the Department of Education and Culture. This is a clear indication of the government's intention of turning what was a transversal body aimed at standardising the Administration into a mere educational-cultural entity.

31. Article 28 of RD 85/2002, dated 22 April, defines the functions of the Language

Programming, Research and Development Service. The following comparison appears on many occasions: 'Basque and other official languages of the European Union'. <http://www.cfnavarra.es/BON/026/02610001.htm>

32. The decree currently in effect is RD 372/2000, which has already been annulled by the courts for reasons of form. Recently, the government presented a new decree which is identical to 372/2000. Neither version makes any reference to the Charter. However, the two previous decrees, 70/1994 and 135/1994 made a specific reference to the Charter, despite the fact that at the time, Spain had yet to ratify it. On 10 February 2003, once this report had already been written, the Navarra government approved a new decree on the use of the Basque Language in the Administration. 'The government spokesperson insisted that the new decree was an identical copy of the previous one (372/2000), although he clarified that an additional provision had been incorporated which specified that the action plans for the Mixed and Non Basque-speaking zones (Navarra has been divided into three language zones since 1985) regarding the replacement of bilingual signposts for Spanish-only signposts, would be set in motion as and when funds became available.' *Diario de Noticias*, 11 February 2003.

33. RODRÍGUEZ OTXOA, J.M., *Legislación Navarra sobre el uso del Euskara en la Administración Foral*, in 'La situación Jurídica del Euskara en Navarra'. Euskara Kultur Elkargoa. Pamplona. 2002. p. 77.

34. As an example, we should point out that the opportunities for Navarran citizens who wish to receive a non-University education in the Basque language (Regional Decree dated 19 May 1989) are very different depending on whether the person was born in Leitza, Pamplona or Tudela. Parents who wish their children to study in Basque are faced with a very different range of possibilities, depending on whether they live in Leitza, Pamplona or Tudela, despite the fact that they pay the same taxes to the Navarra government and have the right to receive the same services as other citizens. The same situation occurs regarding the use of the Basque language when dealing with the administration.

35. In a press release, the EBLUL (European Bureau for Lesser Used Languages) stated the following: 'The Autonomous Government of Navarra is at the same time reforming negatively its own legislation concerning the Basque language, that is the language in danger in the Autonomous Region of Navarra. In fact, the reforms established by the 'Regional Decree 372/2000' limit the use of Basque in the public administration of Navarra. This decision of the Autonomous Government of Navarra contradicts the letter and spirit of the general provisions of the linguistic

- policy of the European institutions’.
<http://www.eblul.org/pajenn.asp?ID=23&yezh=saozneg&rumm=>
36. File 348/2001/3 dated 15 November 2002. Nafarroako Arartekoa/Navarra Ombudsman.
37. The spokesperson for the Navarra government, Nuria Iturriagoitia, explained that the regional government did not attend last year’s *Nafarroa Oinez* festival because the *Argia ikastola* for which the event was raising money was ‘alegal’. *Diario de Noticias* 22/10/02. This situation of ‘alegality’ is also generating discriminatory situations in the job market. The Monitoring Commission for the Education Pact in Navarra refused to recognise the experience gained by teachers in the ‘alegal’ *ikastolas* for future contracting purposes, a practice which is also true for teachers working in private centres. *Gara* 8/01/03.
38. According to the organisers, a total of 130,000 people attended the last festival held on 20 October 2002, and the money raised was used to expand the *Argia ikastola* in Tudela, a town located in the Non Basque-speaking zone.
39. For more information about *Nafarroa Oinez*, see: <http://www.nafarroaoinez.net>
40. *Diario de Noticias*. 29/01/2003
41. This decree was described by the EBLUL as a regression. See resolution 2/03/01 and declaration 7/10/2002 of the European Bureau for Lesser Used Languages.
<http://www.eblul.org/pajenn.asp?ID=84&yezh=saozneg&rumm=>
<http://www.eblul.org/pajenn.asp?ID=23&yezh=saozneg&rumm=>
42. This thesis of the ‘abusive’ nature of native languages other than Spanish has been refuted by the High Court of Justice (Ruling 27/1991), by the Navarra High Court of Justice (Ruling dated 26 June 2002) and by the Spanish Constitutional Court (Ruling 82/1986).
43. *Diario de Navarra ‘Gurrea justifies the Basque language Decree for Justice and Equality’* 9 February 2001. The reality is that, in the eight years during which the said decree was in effect, the number of jobs requiring a knowledge of the Basque language dropped to just 100 out of a staff of over 13,000 employees. In 2001, the number of jobs for which a knowledge of Basque was compulsory dropped from 248 to 153. In percentage terms, the number of jobs in the Navarra administration for which a knowledge of the Basque language is compulsory dropped from 1.9%

in the year 2000 to 1.17% in 2001. The downward trend is obvious.

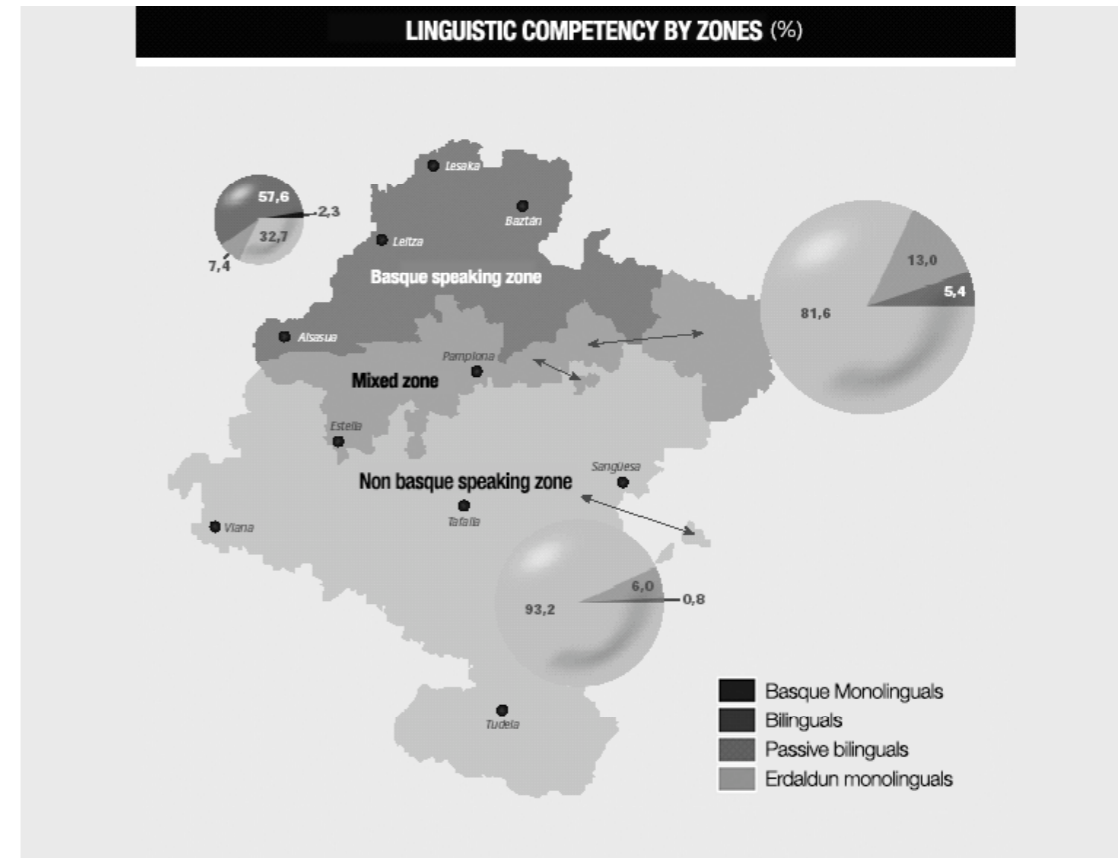
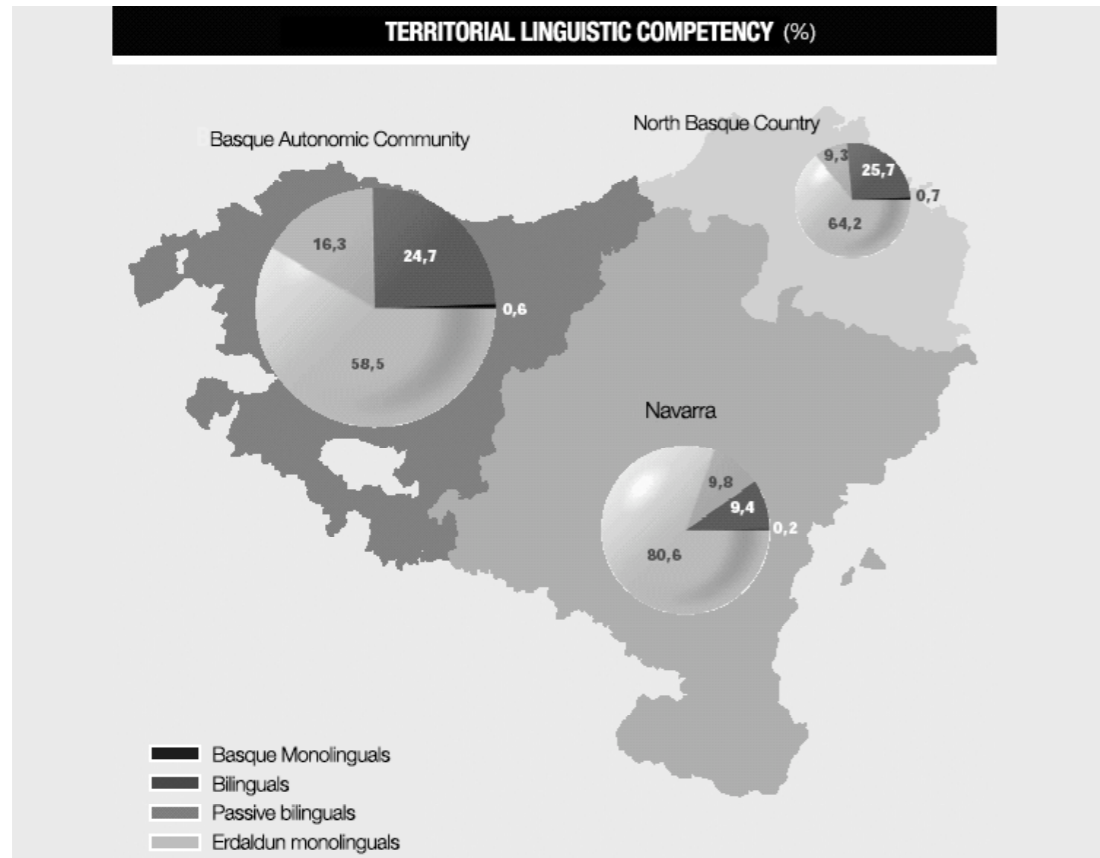
44. *Diario de Noticias*, 22 August 2002.
45. ‘The inclusion of a knowledge of a language that has official status in the territory in which the administration carries out its activities as one of the required skills and abilities of potential candidates is completely justifiable, although the requisite of possessing a working knowledge of Catalan should not be considered an «ad extra» requisite, regardless of the recognised skills and abilities. Rather, as with any other knowledge or condition required for accessing a public post, it should be considered as a requisite whose compliance satisfies the said constitutional principles’. Ruling of the Constitutional Court 0046/1991. Official Gazette num. 74. 27/03/1991.
46. Ruling dated 26 June 2002, Contentious-Administrative Chamber, Navarra High Court of Justice.
47. As mentioned above in footnote 32, on 10 February 2003, after this report had been completed, the Navarra government approved a new decree on Basque language use in the administration. ‘The government spokesperson insisted that the new decree was an identical copy of the previous one (372/2000), although he clarified that an additional provision had been incorporated which specified that the action plans for the Mixed and Non Basque-speaking zones (Navarra has been divided into three language zones since 1985) regarding the replacement of bilingual signposts for Spanish-only signposts, would be set in motion as and when funds became available’. *Diario de Noticias*, 11 February 2003.
48. The ‘Organic Law for the Reinstatement and Improvement of the Navarra Fueros’ is the Statute of Autonomy for Navarra.
49. Article 2. Autonomy of universities.
- 1. Universities have their own legal personality and carry out their functions on the basis of autonomy and mutual co-ordination.
 Private universities have their own legal personality and should adopt one of the forms admitted by Law.
 Their sole social objective shall be to provide higher education by carrying out the functions referred to in section 2 of article 1.*
- 2. Under the terms of this Law, the autonomy of the universities encompasses:*

- a) *The drafting of their Statutes and, in the case of private universities, of their own organisational and operational regulations, as well as other internal regulations.*
 - b) *The election, appointment and removal of the corresponding governing and representational bodies.*
 - c) *The creation of specific structures aimed at supporting research and teaching activities.*
 - d) *The drafting and approval of teaching and research syllabuses related to lifelong training.*
 - e) *The selection, training and promotion of teaching and research staff as well as staff working in the area of administration and services, and the determination of the conditions in which these activities are carried out.*
 - f) *The admission and continued attendance of students, as well as the verification of their knowledge.*
 - g) *The issuing of official qualifications valid throughout the national territory, as well as diplomas and qualifications specific to the individual university.*
 - h) *The drafting, approval and management of the budgets and administration of their assets.*
 - i) *The establishment and modification of job openings.*
 - j) *The establishment of relationships with other organisations for the promotion and development of their institutional objectives.*
 - k) *Any other authority required for ensuring full compliance with the functions specified in section 2 of article 1.*
3. *The university's activities, and its autonomy, are based on the principle of academic freedom, which is manifested in freedom of teaching, research and study.*
4. *The autonomy of the universities enables and demands that teachers, researchers and students fulfil their respective responsibilities as regards satisfying the educational, scientific and professional needs of society; and also demands that the universities account for the use made of public resources.*
5. *Without affecting the functions assigned to the University Co-ordination Council, it is the responsibility of each autonomous region to ensure the co-ordination of the universities within its sphere of influence.*
50. VILCHES PLAZA, C., *Escenarios del Euskara en Navarra. 1970-2000*, in *The Legal Situation of Basque in Navarra*. Euskara Kultur Elkargoa. Pamplona. 2002. p 125.

51. Data supplied by the Federation of Ikastolas of Navarra/Nafarroako Ikastolen Elkartea.
52. ALDASORO LECEA, E., *La evolución de la enseñanza en Euskara en Navarra: una perspectiva pedagógica. Dossier 15 años de la Ley del Euskara en Navarra*. RIEV 46-2. San Sebastián 2001.
53. This table includes data referring to the zone's non-legalised ikastolas which are not usually taken into consideration in official documents.
54. ALDASORO LECEA, E., *op. cit.*
55. Regional Decree 159/1988, dated 19 May. Art. 7.
56. There are some cases, such as in the Donibane neighbourhood in Pamplona/Iruña, in which a classroom has been set up in response to a demand by 18 students, and others, such as in the case of the Errotxapea neighbourhood, where despite a demand by 48 students, there is only space for 25. Data provided by Sortzen-Ikasbatuaz, a group which encompasses all areas of public education in Basque in Navarra.
57. Justice is the same throughout the Spanish State and emanates from the King. A direct consequence of this is that there is a single Justice Administration for the entire country and the organic staff of this administration are transferred from place to place, regardless of whether or not they speak the official languages of the respective autonomous regions. This makes it very difficult to guarantee the language rights of citizens throughout the entire country.
58. A Spanish speaker can always allege lack of proper defence, which puts Spanish speakers at a perpetual advantage.
59. ROMEU, J., *Aplicación en el Estado Español de la Carta Europea de las Lenguas Regionales o Minoritarias* in *The Legal Situation of Basque in Navarra*. Euskara Kultur Elkargoa. Pamplona. 2002 .p 45
60. Information appearing in the press: *Gara* and *Diario de Noticias*, 29/01/03
61. Among other shady areas, the approval of this Decree has sown a seed of doubt with regard to the local administrations. The local administrations who have established their own bylaws regarding Basque language use in their municipalities are uncertain as to whether these bylaws will continue to enjoy legal validity or will

- be repealed following the approval of the Decree. The praxis differs from local council to local council, although the courts seem to accept that the principle of local autonomy should prevail and that, therefore, the Decree should not affect bylaws.
62. In this sense we should draw attention to the Berriozar local council, which has translated all Basque place names into Spanish, thereby generating absurd situations and incorrect translations, as well as introducing new names in order to avoid the use of traditional ones in Basque. An appeal has been lodged by local citizens against these actions taken by the local administration.
63. Unfortunately, once this present report had been completed, the Spanish government, through the National Criminal Court (court with special jurisdiction) ordered, without any legal ruling, the precautionary closure of the newspaper Egunkaria 20-02-2003. According to the examining magistrate who ordered the precautionary action which resulted in the closure of this newspaper, *Egunkaria fulfilled the aim of strengthening one of the terrorist objectives, i.e. the creation of an information structure in Basque under its control. ETA's aim, according to the magistrate, was to protect and disseminate the terrorist ideal, using the Basque language as a cultural cover.* For his part, the Spanish Minister for Home Affairs, Angel Acebes, said that the operation was, in fact, a step in favour of the Basque language because, thanks to the move, *ETA could no longer use the language to promote its aims.* The move has been condemned by all groups working in favour of the promotion of the Basque language, which consider it to be an attack on the development and normalisation of Basque language use. Amnesty International, the European Bureau for Lesser Used Languages, the MIDAS minority newspapers association and an endless list of international organisations have also declared their support for the newspaper.
64. The OLRINF is, for Navarra, what the Statutes of Autonomy are for the other Spanish autonomous regions.
65. Ruling of the Contentious-Administrative Chamber in the Navarra High Court of Justice. November 1994.
66. We should point out that the current Director for Language Policy in the Navarra government currently faces a lawsuit in the Pamplona Court of First Instance Num. 2 on charges of breach of trust. The accusation relates to the distribution of funds by the Directorate and, specifically, its Director, during the granting of subsidies for promotion of Basque language use in the media in 2001.

67. An appeal has been lodged by the *Nabarra* magazine and the *Euskalerrria Irratia* radio station against the criteria on which the granting of such subsidies are based.
68. BARANDIARAN, A., *Situación del Euskara en los Medios de Comunicación* in *The Legal Situation of the Basque Language in Navarra*. Euskara Kultur Elkargoa. Pamplona. 2002.p 103
69. Ruling dated 26 June and Ruling dated 18 July 2002, Contentious-Administrative Chamber of the Navarra High Court of Justice.



	Euskal Herria		B.A.C.		Navarra		North B.C.	
	Nº	%	Nº	%	Nº	%	Nº	%
Total	2.248.100	100	1.778.500	100	437.200	100	212.400	100
Basque monolinguals	12.400	0,5	9.800	0,6	1.100	0,2	1.500	0,7
Bilinguals	534.100	22,0	438.400	24,7	41.000	9,4	54.700	25,7
<i>mainly euskera</i>	159.600	29,9	128.500	29,3	13.400	32,7	17.700	32,2
<i>equilibrated</i>	171.500	32,1	141.700	32,3	11.800	28,9	18.000	33,0
<i>mainly erdera</i>	203.000	38,0	168.200	38,4	16.800	38,4	19.800	34,8
Passive bilinguals	352.900	14,5	290.200	16,3	42.800	9,8	19.800	9,3
Erdaldun monolinguals	1.528.700	63,0	1.040.000	58,5	352.300	80,6	136.400	64,2

	Navarra		Basque speaking		Mixed		Non basque speaking	
	Nº	%	Nº	%	Nº	%	Nº	%
Total	437.200	100	47.700	100	227.800	100	161.700	100
Basque monolinguals	1.100	0,2	1.100	2,3				
Bilinguals	41.100	9,4	27.500	57,6	12.200	5,4	1.300	0,8
Passive bilinguals	42.800	9,8	3.500	7,4	29.600	13,0	9.700	6,0
Erdaldun monolinguals	352.300	80,6	15.600	32,7	186.000	81,6	150.700	93,2

Data extracted from the Sociolinguistic Survey of the Basque Country 1996. http://www.euskadi.net/euskara_inkestak/2ENCUES/ehcas.pdf. The updated report on the 2002 survey is due to be published in the summer of this year 2003. The Basque terms *Erdera* or *Erdaldun* refer to any language other than Basque, or the speakers of such a language (respectively). In this case, *Erdera* refers to Spanish and French.

Data extracted from the 1996 Sociolinguistic Survey of the Basque Country. http://www.euskadi.net/euskara_inkestak/2ENCUES/NaF_gaz.pdf

INTERESTING WEB SITES

<http://www.euskarakultur.org/>
(*Euskara Kultur Elkargoa*)

UNESCO

<http://www.unescoeh.org/>
(*Unescoetxea*)

<http://www.unesco.org/>
(*Unesco*)

<http://www.unesco.org/most/ln2lin.htm>
(*Linguistic rights theory*)

UNITED NATIONS

<http://www.un.org/documents/>
(*UN Documentation Center*)

http://www.unhchr.ch/hchr_un.htm
(*Office of the High Commissioner for Human Rights*)

<http://www.unhchr.ch/udhr/lang/eng.htm>
(*Universal Declaration of Human Rights*)

<http://www.un.org/rights/index.html>
(*NU - Human Rights*)

<http://www.un.org/law/index.html>
(*NU - International Law*)

OSCE

<http://www.osce.org/hcnm/>
(*High Commissioner on National Minorities OSCE*)

<http://www.osce.org/odihhr/>
(*Human Rights - OSCE*)

EUROPE

<http://www.eblul.org/>
(*European Bureau for Lesser Used Languages*)

<http://eblul.org/wow/>
(*web of words - EBLUL*)

<http://www.legislationline.org/>
(*Legislationline is a free-of-charge online service provided jointly by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) and the European Union*)

<http://www.mercator-education.org/>
(*Mercator education*)

<http://www.aber.ac.uk/~merwww/>
(*Mercator media*)

<http://www.ciemen.org/mercator/index-gb.htm>
(*Mercator legislation*)

http://www.europa.eu.int/comm/culture/index_en.htm
(*European cultural program*)

<http://ww2.lingualia.net:8080/agares/Public>
(*Lingua Net*)

<http://www.midas-press.org/welcome.htm>
(*Minority Dailies Association*)

<http://dev.eurac.edu:8085/mugs2/index.jsp?TopBarItem=Home>
(*Minority Rights Information System*)

<http://www.uoc.edu/euromosaic/web/homean/index1.html>
(*Euromosaic*)

<http://www.minority2000.net/index.htm>
(*Minorities In Europe*)

<http://www.linguapax.org/homecas.html>
(*Linguapax*)

<http://www.ethnologue.com/>
(*Ethnologue*)

<http://www.fuen.org/>
(*FUEN Federal Union of European Nationalities*)

<http://www.eurominority.org/index-gb.asp>
(*Eurominority*)

ANEX

COUNCIL OF EUROPE

<http://www.coe.int/portalT.asp>

(Council of Europe)

http://www.coe.int/T/E/human_rights/minorities/

(Council of Europe's Secretariat of the Framework Convention for the Protection of National Minorities)

http://www.coe.int/T/E/Legal_Affairs/Local_and_regional_Democracy/Regional_or_Minority_languages/

(European Charter for Regional or Minority Languages)

<http://www.loreg.coe.int/en/start.html>

(Local and Regional Democracy Library)

<http://www.echr.coe.int/Hudoc.htm>

(Human Rights case-law)

<http://www.venice.coe.int/>

(Venice Commission The European Commission for Democracy)

EUROPEAN UNION

http://www.europarl.eu.int/home/default_en.htm

(European Centre for Parliamentary Research and Documentation)

http://europa.eu.int/futurum/index_en.htm

(The future of the European Union)

http://europa.eu.int/comm/justice_home/unit/charte/index_en.html

(EU charter on human rights)

<http://www.curia.eu.int/index.htm>

(The Court of Justice of the European Communities)

<http://www.db.europarl.eu.int/dors/oeil/en/default.htm>

(Europarl: the Legislative Observatory)