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Introduction to the International Protection of Minority Language Rights in Europe[1]

Abstract

The Charter of the United Nations sets out a fundamental standard that human rights shall be safeguarded for every human individual irrespective of "race, sex, language, or religion".

The specific position of language in defining national identity explains the outstanding importance of the legal treatment of language in national domains, since states often tend to give a privileged status to the majority language and minority languages may face direct or indirect discrimination in various situations. The fundamental concept of the ECRML is that regional or minority languages should be protected in their cultural functions, in the spirit of a multilingual, multicultural European reality. Article 10 of The Framework Convention for the Protection of National Minorities underlines that every person belonging to a national minority has the right to use her/his minority language without legal constraints, freely both in public and in private sphere.

1. Introduction

Since 1945 the expansion in activity of international organisations of all kinds has resulted in a range of standards and mechanisms on minorities that have contemporaneously been operating in Europe. First of all, the Charter of the United Nations sets out a fundamental standard that human rights shall be safeguarded for every human individual irrespective of "race, sex, language, or religion". This commitment was reinforced later in a number of various documents, among others in the Universal Declaration of Human Rights, the UN Convention on the Elimination of All Forms of Racial Discrimination, or the International Covenant on Civil and Political Rights (Art. 26.), as well as under the European Convention on Human Rights (Art. 14). But the need to provide positive statements of minority rights, besides the prohibition of indirect and direct discrimina-

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tion, was formulated already by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (now known as the Sub-Commission on the Promotion and Protection of Human Rights) when it made a distinction between the concepts of "prevention of discrimination" and "protection of minorities":

Prevention of discrimination is the prevention of any action which denies to individuals or groups of people equality of treatment which they may wish.

Protection of minorities is the protection of the non-dominant groups which, while wishing in general for equality of treatment with the majority, wish for a measure of differential treatment in order to preserve basic characteristics which they possess and which distinguish them from the majority of the population.[2]

This differentiation was reflected for the first time in the International Covenant on Civil and Political Rights (1966 – ICCPR) which dedicated a separate article to the protection of minorities: "*In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.*"[3]

This article has clearly portrayed admission of minority rights into the contemporary canon of human rights. These rights are individual rights and not 'collective' or 'group' rights, which is reflected in the term "persons belonging to…", though this article reflects also a collective dimension when it recognises that members of minorities "enjoy the rights in community with other members of their group". This ambiguity has characterised most international documents regarding the formulation of minority rights, although it shall be admitted that both "the individual" and "the group" are mere abstractions and that most of the rights are "collective" in that they apply to a class of persons.[4] What is important in this regard is the acknowledgement of the primary purpose of minority rights protection: that these rights may guarantee the survival of minority cultures and religions.[5]

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[2] UN Doc. E/CN.4/52, Section V.

[3] Art. 27.

[4] P. Thornberry and M.A. Estébanez, *Minority Rights in Europe*. Strasbourg: Council of Europe Publishing, 2004. p. 14.

[5] See General Comment No. 23 of the Human Rights Commitee. The most widely applicable control mechanism for the ICCPR is a reporting procedure which requires from state parties to submit regularly a detailed report on the progress made in the implementation of the Covenant. But there is also a possibility for individual communication procedure for states party to the first optional protocol of ICCPR.

Besides the inclusion of Art. 27 in the ICCPR, in the period of a bipolar world and rivalling utopias for social and political development, minority issues received scarce attention in international relations.

After 1989, the dissolution of the communist regimes in Central and Eastern Europe gave a new impetus to the improvement of the international protection of minority rights. The violent conflicts along ethnic rifts, emerged on the territory of former USSR and Yugoslavia drew the attention of the international community on minority issues in the 1990s. (And till then the fate of various groups in a number of conflicts continues to trouble the international conscience: we may think of Kosovo and Chechnya, from Asia and Africa East Timor and Rwanda respectively; not to mention other ethnic-based conflicts which are not always violent, though create lasting problems in some countries, like Turkey, Spain, or Estonia, etc.) This new awareness on minorities resulted in the adoption of a number of documents in international organisations which offer new perspectives for states in accommodating minorities. At a universal level the most powerful sign was the adoption of the Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities in the General Assembly of the United Nations (1992)[6].

And the events and perspective shifts have particular importance in Europe and European regional international organisations tend to be the most active in standard-setting in this field. What are the main legal and political instruments for minority rights protection in Europe? In summary we can make a distinction between conflict-driven political instruments, which attempt to focus on the prevention of conflicts involving minorities and more general documents, which are aimed at improving minority rights standards in general. Among international organisations in Europe, the Organisation for Security and Co-operation in Europe (OSCE) was particularly active in the first realm, while the Council of Europe was more engaged in standard-setting activities. Nevertheless it is important to note that under the aegis of the OSCE a number of important political documents have been adopted regarding the protection of minority rights.[7] The OSCE was originally established as an inter-governmental conference in 1975 to tackle with security and human rights issues in a Euro-

[6] G.A. res. 47/135, 47 U.N. GAOR Supp. (No. 49) at 210, U.N. Doc. A/47/49 (1992). For a good analysis see Fernand de Varrennes, To speak or not to speak – the rights of persons belonging to linguistic minorities. E/CN.4/Sub.2/AC.5/1997/WP.6

[7] The main milestones in this process are Copenhagen Document on the Human Dimension of the CSCE (1990); the Charter of Paris for a New Europe (1990), the 1991 Geneva Meeting of Experts on National Minorities; and the Concluding Document of the 1992 Helsinki Follow-up Meeting.

pean context. The conflict-prevention and conflict-resolution character of the organisation is still dominant, even though under its general human dimension it addressed minority situations as well. The Copenhagen Document in particular incorporates very broad statements on minority rights, which without any legally binding force to the member states of the OSCE have gained a high prestige in international relations, and many states have taken inspiration from it in developing their legislations on minority rights. In 1992 the institution of the High Commissioner on National Minorities (HCNM) was created with a mandate to provide "early warning" and, when appropriate, "early action" at the earliest possible stage in regard to potential conflicts involving national minorities. The HCNM to accomplish its mandate has adopted some general recommendations as well, which offer legal guidelines for states in developing their national legislation on minority rights. Among these recommendations, the Oslo Recommendations regarding the linguistic rights of national minorities (1998) and the Hague Recommendations regarding the education rights of national minorities (1996) need to be mentioned here. These recommendations set out various viable solutions for accommodating minority rights and draw the attention to the basic needs, possible problems in the field of minority language rights.

2. Minority language rights

In general most international documents acknowledge the specific importance of language and the freedom of the use of language in various private and public areas as a key element in preserving minority cultures. National and cultural identity cannot always be defined by linguistic differences between groups, but in a European context language frequently provides the most significant building block of national, cultural minority identity. Preserving the language is often a way of maintaining group identity, as well as a way of maintaining inter-generational links with one's ancestors. In one way or another, language often becomes a key symbol of national identity and its protection becomes an outstanding duty of the community in preserving its identity. Preserving the language is never just preserving a tool for communication: it is also preserving cultural traditions, political claims, historical consciousness and national identity.[8]

[8] See Will Kymlicka – Francois Grin, Assessing the Politics of Diversity in Transition Countries in: F. Daftary and F. Grin (eds.), *Nation-building, Ethnicity and Language Politics in Transition Countries*. Budapest: ECMI-LGI, 2003. pp. 1-28.

The specific position of language in defining national identity explains the outstanding importance of the legal treatment of language in national domains. States often tend to give a privileged status to the majority language and minority languages may face direct or indirect discrimination in various situations. One important constraint of national language policies and legislations is the emerging framework of international law regarding language rights, especially as codified in the Council of Europe's 1992 Charter for Regional or Minority Languages and its 1995 Framework Convention for the Protection of National Minorities. Besides in these legal documents various guidelines have been developed under the aegis of the Parliamentary Assembly of the Council of Europe, the European Union and particularly the OSCE High Commissioner on National Minorities. Nevertheless these international norms are not legally enforceable, in the sense that no international court has the authority to overrun domestic laws or practices that violate these normative standards. Still these documents provided important political guidelines in the past decade in the context of European integration, especially in the process of obtaining membership in the European Union and the NATO. In political rhetoric in general these norms are often referred to as "international standards" which vest them with a relatively high political prestige in international relations.

3. Council of Europe

3.1. The European Charter for Regional or Minority Languages

The idea of providing a special protection to minority or regional languages emerged already in the 1980s within the Council of Europe, nevertheless the European Charter for Regional or Minority Languages was adopted only on 5th of November 1992 and entered in force on 1st of March 1998. Unlike most documents related to the protection of minority rights, the Language Charter is not aimed at the protection of minority communities, its primary goal is the "protection of historical regional and minority languages of Europe"[9] and it stresses that the "protection and promotion of regional or minority languages" is an "important contribution to the building of a Europe based on (…) cultural diversity".[10]

The Charter does not acknowledge individual or collective minority rights, its fundamental goal is to provide an appropriate framework for the protection of regional or minority *languages*. The explanatory

[9] Preamble para. 2.
[10] Ibid. para. 6.

report explains that the ECRML does not conceive of regional, minority languages and official languages "in terms of competition or antagonism", but it stresses the importance of a multicultural approach "in which each category of language has its proper place".[11] Thus, the terms "regional" and "minority" in regard to languages were used in the ECRML in reference to less widespread languages.

The fundamental concept of the ECRML is that regional or minority languages should be protected in their cultural functions, in the spirit of a multilingual, multicultural European reality. The Language Charter is composed of three main parts: the first part displays general provisions, including basic definitions, like the concept of "regional or minority language"[12], "territory in which the regional or minority language is used"[13] and "non-territorial languages";[14] moreover it defines the concept of state obligations under the Charter. Part II of the Language Charter enlists under the title "objectives and principles" general obligations, binding all signatory states. While the third part of the Charter offers concrete provisions for different activities of the use of language, providing for each activity different levels of commitments.

It should be stressed that the Charter explicitly excludes the languages of migrants. The explanatory report highlights that: "*the purpose of the Charter is not to resolve the problems arising out of recent immigration phenomena (…) in particular, the Charter is not concerned with the phenomenon of non-European groups who have immigrated recently into Europe and acquired the nationality of a European state.*" This restrictive approach, however, raised some concern regarding the interpretation of "non-European" groups: if they are excluded, what of "European" groups (such as migrating Roma) recently acquiring the nationality of a state party to the ECRML?[15] Well, taking into account that the Charter recog-

[11] Para. 14.

[12] Art. 1. (a) states: „*regional or minority languages*" *means languages that are: i) traditionally used within a given territory of a State by nationals of that Statewho form a group numerically smaller than the rest of the State's population; and ii) different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants;*

[13] Art. 1. (b) reads as follows: "*territory in which the regional or minority language is used*" *means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;*

[14] Art. 1.(c): "*non-territorial languages*" *means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.*

[15] See also Thornberry-Estébanez, *op. cit.* p. 142.

nises the principles of non-discrimination on grounds of language, we may reasonable suppose that the drafters of the Charter intended to make a real and defensible distinction in specific cases.

The first part of the Charter (under Art. 2) requires each state party to specify in the ratification instrument all the languages on its territory which come under the definition of Art. 1, as regional or minority languages. But this selection is not exclusively based on the discretion of states; in essence, this is a question of fact. As the explanatory report stresses: Part II "is general in scope and applies to all regional or minority languages spoken on the territory". Nevertheless, frequently states make a selection between minority groups and languages existing on their territory, e.g. Hungary reported that under its national jurisdiction thirteen languages are spoken by minorities, but Hungary had undertaken commitments in respect of six.[16]

The objectives and principles enshrined in Part II cover a wide area of application. The basic principles are among others: elimination of discrimination;[17] promotion of respect and understanding between linguistic groups;[18] recognition of the languages as an expression of cultural richness;[19] respect for the geographical area of each regional or minority language (the ECRML is against devising administrative divisions which would constitute an obstacle to the survival of the languages);[20] the need for positive action for the benefit of these languages;[21] ensuring the teaching and study of these languages;[22] relations between groups speaking a regional or minority language;[23] establishment of bodies to represent the interests of regional or minority languages.[24]

Probably the most important part of the Language Charter is its third part, however these obligations are open to the states party's discretional commitments, inasmuch it offers a menu *á la carte* for states, i.e. within limited boundaries a states party can choose freely from the different levels of obligations at the time of signing the Charter. Usually states attach a separate protocol to the Charter in which they enlist those languages which they acknowledge as ones falling under the provisions of the Charter and the specific provisions which they take as legal obligations under the third

[16] Initial report, p. 17.
[17] Art. 7(2).
[18] Art. 7 (1)e and 7(3).
[19] Art. 7(1)a.
[20] Art. 7(1)b
[21] Art. 7(1)c and d.
[22] Art. 7(1)f
[23] Art. 7(1) e. and i.
[24] Art. 7(4).

part of the Language Charter. But even here, the Charter uses a rather flexible language in defining state obligations under conditions like "if the number of users of regional or minority language justifies it",[25] or "as far as it is reasonably possible". [26]

Part III covers most of the relevant areas of minority language use: education (Art. 8.); judicial authorities (Art. 9.); administrative authorities and public services (Art. 10); media (Art. 11); cultural activities and facilities (Art. 12); economic and social life (Art. 13); transfrontier exchanges (Art. 14). In all these areas the Charter provisions cover a wide range of commitments among which each state party can select those which itself acknowledges as legal obligations towards minority languages recognised on the state's territory.

The Charter requires states to submit regular reports on the implementation of Part II and Part III, the first time within the year the entry comes into force for the state, and afterwards at every third year. State parties shall make their reports public; and the examination of the reports is delegated to a committee of independent experts.[27] On the basis of country reports and information, the experts prepare a report for the Committee of Ministers. This report shall contain proposals for recommendations by the Committee of Ministers to one or more state parties. The Committee of Ministers take note of the report without changing the content, but are free to accept the suggestions and recommendations.[28]

Moreover, uniquely among Council of Europe treaties, Art. 16(5) of the Charter prescribes that the Secretary General of the Council of Europe shall make a two-yearly detailed report to the Parliamentary Assembly on the application of the ECRML.

3.2. The Framework Convention for the Protection of National Minorities

The Framework Convention for the Protection of National Minorities (hereinafter referred to as FCNM) is the most extensive document of the Council of Europe regarding the protection of minority rights. The text was adopted on 10 November 1994 and opened for signature on 1 February 1995. The FCNM entered in force on 1 February 1998 and as of 1 April 2007 had been signed by forty-three states and ratified by thirty-eight member states and one non-member state (Montenegro). The Convention is usually consid-

[25] Art. 8 (2).
[26] Art. 10 (1).
[27] The members of the committee are nominated by the states party and appointed by the Committee of Ministers.
[28] See Part IV „Application of the Charter".

ered to be the first legally binding multilateral treaty on national minority rights. The FCNM makes clear that the protection of minority rights is an integral part of the protection of human rights and as such "falls within the scope of international co-operation".[29] The title of the Convention immediately draws attention on its "framework" character suggesting, that FCNM does not provide strict normative standards, it offers a set of goals to be followed by the states. Many observers see the title of the Convention as softening of legal obligations on states party, however from a strictly legal point of view the FCNM is a treaty under international law and it creates obligations in international law for states.[30]

Still the explanatory report on the FCNM underlines that the Convention "*contains mostly programme-type provisions setting out objectives which the parties undertake to pursue*" and it also states that "*these provisions, which will not be directly applicable, leave the States concerned a measure of discretion in the implementation of the objectives which they have undertaken to achieve, thus enabling them to take particular circumstances into account*".[31] However, some states already seem to have committed themselves to understand obligations as rights. In general human rights treaties employ different mechanisms for supervising implementation, but the most important issue is that states transpose adequately the norms and guarantee rights to individuals through a mechanism which is appropriate for the goals of the treaty in question.

Even though, the task of interpreting the FCNM coherently is rather difficult: the Convention employs different qualifiers which formulate rather vague state obligations. Terms, like "promote",[32] "recognise",[33] "respect"[34] have to gain real meanings, and the Committee of Ministers assisted by the Advisory Committee in monitoring the implementation of the FCNM have great tasks in that.

THE PROTECTION OF MINORITY LANGUAGES IN THE FCNM

The language provisions of the Convention are rather complicated, and replete with various qualifiers. Moreover, Art. 10 (2) introduces the concept of a minority area without any specific definition, within the boundaries of which some extended minority rights are envisaged.

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[29] Art. 1. declares: „*The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation*."

[30] Cf.: Thornberry and Estébanez, *op. cit*. p. 91-92.

[31] Explanatory report, par. 11.

[32] Articles 5 and 12.

[33] Articles 8, 9, 10, 11, and 14.

[34] Articles 7, 19, and 20.

The right to use a minority language completes the freedom of expression set out in Articles 7 and 9. Probably the most powerful right set out in the FCNM regarding the use of minority languages is contained in Art. 10, which underlines that every person belonging to a national minority has the right to use her/his minority language without legal constraints, freely both in public and in private sphere. Paragraph 2 of Art. 10 goes even further when it declares: "*In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*" As the explanatory report illuminates, the use of minority language "in public" means in general terms a public place, "but it is not concerned (…) in any circumstances with relations with public authorities". This is the reason, why a separate and more flexible paragraph was formulated on the use of minority language with administrative authorities. First of all, neither the Convention, nor its explanatory report defines the criteria for areas inhabited by minority members "traditionally or in substantial number", furthermore for the implementation of this right there must be request and this minority request should correspond to a "real need". The decision on realising such a real need is obviously vested on the government. To give at least a minimal limit to the interpretation of this section, the explanatory report suggests that the existence of a real need "is to be assessed by the state on the basis of objective criteria". In this regard the main issue is, whether the state authorities could take a decision on the assessment of this need without any input from the minority community. The explanatory report suggests that if this need shall be based on objective criteria, then the involvement of minorities seems to be inevitable. This also means that lack of resources cannot be an excuse for inaction in this field.

The first paragraph of Article 11 sets out a right to use names in a minority language "*and the right to official recognition of them, according to modalities provided for in their legal system.*" This is followed by the right to display minority language "s*igns, inscriptions and other information of a private nature visible to the public*". The third paragraph states that the state in minority inhabited areas "*shall endeavour (…) to display traditional local names, street names and other topographical indications for the public also in the minority language*." Here again re-emerges the concept of a 'minority area' in the Convention without providing any particular criteria for its definition.

Paragraph 68 of the explanatory report also states that Art. 11 means, that persons who have been forced to change their names should have the right to revert to them. In such cases it can be rightly expected that the costs of transcription will burden the state authorities and not the victims. The explanatory report comments the question of minority language signs visible to the public stating that the right does not prevent the individual being required to use the official language in addition to the minority language. This latter requirement has been widely criticized in academia, that this provision should not be applied as a blanket provision: there are a number of different situations (e.g. name of a house, a poster in the window, etc.) where there is no real state interest in adding the official language.[35]

The third paragraph of Art. 11 requires particular attention: in this case, in the public allocation of street names it seems to be appropriate to require that official/state language enters in equation.

SUPERVISING MECHANISM

The Council of Europe Assembly Recommendation 1201 (1993) in its original form was adopted as an additional protocol to the European Convention of Human Rights the implementation of which is supervised by the judicial procedure of the European Court of Human Rights. But the Council of Europe member states took a more cautious approach and when they decided to draft a separate framework convention for the protection of minority rights, which is also open to non-member states, it was clear that the judicial procedure of the European Court of Human Rights will not be applicable. The final version of the FCNM, adopted in 1995 as a result of this move, contains a non-judicial implementation procedure which is based on periodic state reporting placed under a mixed political and independent expert review. States parties to the FCNM are asked to present a report containing full information on legislative and other measures taken to give effect to the principles of the FCNM, within one year of the entry into force. Further reports are requested to be made on a periodical basis (every five years) and whenever the Committee of Ministers so requests. The evaluation of the reports filed by states is evaluated by the Committee of Ministers, which is assisted in this work by an Advisory Committee (composed by independent experts). The Advisory Committee adopts an opinion, upon which the Committee of Ministers elaborates its decision on the implementation of the FCNM in individual countries. In practice the Advisory Committee plays a determining role in elaborating

[35] E.g. Thornberry-Estébanez, *op. cit*. p. 106.

a balanced and credible decision: while the Committee of Ministers is a political body, the work of the Advisory Committee is rather protected from political interference. The Advisory Committee is free in collecting data and information on the situation of minorities, first of all it may request the governments concerned to provide additional information, it may receive information from other sources, e.g. the representatives of minorities, NGOs, etc. furthermore the Advisory Committee usually pays visits the states under scrutiny to collect further experience and information on the ground. Indeed, the findings of the Advisory Committee are usually respected and accepted also by the Committee of Ministers.

Both the monitoring mechanism applied under the FCNM and the similar procedure of the Language Charter reflect a functional approach: they have been purposely set up to review the implementation of a specific international instrument, moreover expert and political bodies involved in the reviewing take both the opinions of the states and minorities interested into consideration and the mechanism is primarily focusing on *implementation*. These non-judicial procedures, despite the lack of a powerful sanctioning mechanism, proved to be rather effective in raising awareness in international public on the specific problems of minorities in individual countries.

4. The European Union and minority languages

The European Union has not developed a specific, legally-binding instrument on "minority rights", but treaty references to European cultural and linguistic diversity are significant.[36]

The Treaty of Maastricht while reinforcing the process of political integration, placed a strong emphasis also on the cultural dimension of the European integration. The introduction of Article 128 (today Art. 151 TEC) of the Treaty, indirectly recognises that not a single Member State is culturally homogenous: under the provisions of Article 128 (Art. 151), the Union is asked to contribute to the flowering of the "*cultures of the member States, while respecting their national and regional diversity*".[37] This provision clearly suggests that European integration is not only based on the diversity represented by the member states, but the Union has to respect also the internal national diversity characterising its member states.

[36] See in general Niamh Nic Shuibne, The European Union and Minority Language Rights in: *International Journal on Multicultural Societies*, Vol. 3. no. 2 2001. pp.61-77.
[37] Today art. 151 para. 1.

Similarly, the importance of diversity has been reaffirmed by the introduction of a new Art. 22 in the Charter of Fundamental Rights of the EU, which states that *"The Union shall respect cultural, religious and linguistic diversity*".

The cultural approach of the EU is designed to be a multi-political one as it shall "*take cultural aspects into account in its action under other provisions of the Treaty ....*" (Art. 151 (4) TEC). This kind of "cultural impact assessment clause" establishes culture as an aspect which has to be respected by the Community, thus providing a major role to this competence provision.[38]

Besides these hints on cultural diversity in the founding Treaties, what may be important regarding minorities in this aspect is the specific interest given in the EU framework to the protection of linguistic diversity. Whenever the European Parliament (EP) addressed minority issues within the EU paid usually the most attention to the protection of minority languages. During the past decades the EP has adopted a number of legislative initiatives aimed at safeguarding regional, minority or "lesser-used" languages in the EU.

Already in 1981 the EP called on the national governments and regional and local authorities in its resolution[39] to allow and promote the teaching of regional languages and cultures in official curricula at all levels of education from nursery school to university; to grant opportunities for regional languages in the local radio and television; to ensure that individuals are allowed to use their own language in public life and social affairs in their dealings with official bodies and in the courts. Moreover, the Parliament called on the Commission to review all Community legislation, which discriminates against minority languages.[40] The most important achievement of the resolution was the establishment of the European Bureau for Lesser Used Languages (EBLUL), an NGO observing the situation of minority languages in EU member states, partly financed by Commission sources.

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[38] It is interesting to note that this latter clause was then functionally specified as the Treaty of Amsterdam added ". . . *in particular in order to respect and to promote the diversity of its cultures*". Moreover, another important modification was inserted in the Treaty under the subvention provisions which allow, to a certain degree, the financial assistance to cultures by stating that "aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Community to an extent that is contrary to the common interest" can be considered compatible with the internal market (today Art. 87(d)).

[39] Resolution on a Community Charter of Regional Languages and Cultures and on a Charter of Rights of Ethnic Minorities OJ No. C 287, 9 November 1981 p. 106. Adopted by Parliament on 16 October 1981 on the basis of the so-called 'Arfé report' prepared by the Rapporteur, Gaetano Arfé.

[40] Paras. 4-6.

In a following resolution[41] on the matter, the EP once again called on the Commission to take practical measures for the enhancement of opportunities for the use of minority and regional languages. A few years later, the Parliament reinforced its previous proposals for the member states and the Commission,[42] but the most important initiative of the Kujpers-resolution was that it recommended the adoption of a separate finance in the EU budget for actions favouring minority languages.[43] In 1988 the Parliament initiated an even more ambitious project, when it appointed its member, Count Stauffenberg to prepare a report concerning a "Charter of the Rights of Ethnic Minorities".[44] The report underlined the need to adopt a legal charter on the matter,[45] however, due to the forthcoming EP elections, the Parliament have never discussed the Report and later, after Council of Europe Language Charter was adopted, also the EP promoted the implementation of the Language Charter instead of elaborating its own charter.

Later the EP adopted another separate resolution in favour of the protection of minority and regional languages in 1994;[46] and also underlined the importance of supporting minority languages also in its resolution concluding the 'European Year of Languages' in 2001.[47]

Moreover, in the field of culture different programmes (some of them already in existence before Maastricht) also provide financial support also for minority-relevant situations such as, for example, the translation and dissemination of works of contemporary literature in lesser used

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[41] Resolution on Measures in Favour of Linguistic and Cultural Minorities, adopted by the Parliament on 11 February 1983, OJ C 068, 14 March 1983 p. 103.

[42] Resolution adopted on the basis of the report presented by Willy Kujpers, Resolution on the Languages and Cultures of the Regional and Ethnic in the European Community, adopted by the EP on 30 October 1987. OJ 1987 C 318, p. 160. In this resolution, the Parliament adopted new recommendations for extending language use in the mass media, and in the different areas of the cultural, economic, social life alike. It recommended the administrative measure of officially recognizing surnames and place names in regional or minority languages and it emphasised that appropriate measures had to be taken to provide for the use of the regional and minority languages in public concerns (postal service, etc.), consumer information and product labelling, and on road and other public signs and street names.

[43] The Parliament annually enters a separate budget line (B-1000) in the Union's budget to support regional and minority languages. In 2001 the Union dedicated 2.5 million Euros for this purpose. See <http://europa.eu.int/comm/secretariat_general/sgc/aides/forms/eac06_en.htm> Last accessed on 12 March 2003.

[44] P.E. 156.208.

[45] It ought to be mentioned that the Report talked exclusively about ethnic minorities, in the plural never referring to the legal term of "persons belonging to minorities", so suggesting a rather permissive approach to the group rights of minorities.

[46] Resolution on Linguistic Minorities in the European Community, OJ 1994 C 61, p. 110.

[47] Resolution on Regional and Lesser Used European Languages, adopted by the Parliament on 13 December 2001, B-5 0770.

languages, the conservation of regional culture, its promotion or research on minority languages.[48]

Despite the significant activity of the EP in this field, it shall be underlined that without a clear competence, the European Union can not regulate issues related to the use of minority languages. But regarding its commitment and treaty obligations on respecting cultural and linguistic diversity (which is reflected also in the regulations on the use of languages in relation to the EU bodies – granting official language status to 23 languages) the European Parliament and other EU institutions as well can draw attention on the importance of safeguarding minority languages as well.

[48] Today these acts are grouped together under the EU's cultural policy program CULTURE 2000.