THE LANGUAGES
OF THE BALKANS
IN THE INTEGRATION CONTEXT

Edited by Armela Panajoti

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Introduction

THIS VOLUME is a selection of papers presented at the second International Conference of the EU-funded project Jean Monnet Module "Foreign Language Teaching in and for European Contexts/FoLaTE", *The Languages of the Balkans in the integration context*, organized by the Department of Foreign Languages, Faculty of Humanities, University of Vlora "Ismail Qemali", Albania, on 3 February 2023, in Vlora, Albania. The conference aimed to revisit WB languages and cultures, their role and position, in a background context largely marked by the political agendas of European integration and regional cooperation. For the past twenty years or so, the Balkans have been aspiringly striving to become a member of the EU. Although numerous facets of social and political life in the Balkan countries have been triggered by efforts to meet EU integration requirements, it appears that the impact these developments will have on the cultures, languages, and lifestyles of the Balkan people is negligible. The conference's topic, "The Balkan languages in the integration context," was meant as an invitation to investigate the prospects for Balkan languages in light of the region's likely EU integration, namely how it will affect language policies and language teacher education policies, minority language issues, linguistic diversity, intercultural communication, and education.

Our contributors, scholars from the wider area of language studies and of diverse linguistic backgrounds, aim to tackle all of the above in a present-day context, particularly in the Balkans, where the aspiration to join the EU is ever more present. The volume collects papers in English and Italian, a choice that, as already underlined in the first FoLaTE conference volume, has been intentional, owing to the fact that the Jean Monnet Module FoLaTE was conducted in both languages and as a modest manifestation of linguistic diversity.

Marija Mandić[1], from the Institute for Philosophy and Social Theory, University of Belgrade, analyses the European Charter for Regional or Minority Languages, one of the most important European

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[1] A shorter version of this contribution was presented as a keynote speech at the conference.

instruments of language policy and planning. The author provides an overview of the basic principles of European language policy and ideology as well as introduces the programme, structure, and work procedures of the Charter. The article concludes by discussing the Charter's relationship to European politics and its significance for the emancipation and revitalization of minority languages.

In their paper, Armela Panajoti and Bledar Toska from the University of Vlora "Ismail Qemali", chose to conduct a review of Albanian higher education institutions, with a focus on language policy given the significance of language in the larger global context of higher education. For the purpose of this study, information gathered from the websites of eight public universities in Albania as well as content analysis of their institutional reviews for accreditation were used to determine whether or not initiatives for a language policy were currently underway, as well as how responsive and sensitive Albanian HEIs were to language-related issues.

Xhuljeta Kasmollari, from Università Cattolica "Nostra Signora del Buon Consiglio", Albania, highlights in her article the importance of the European Union's (EU) regulatory framework in the numerous decisions affecting Member States in the process of implementing the EU treaties. The European Union protects linguistic, cultural, and religious diversity, according to Article 22 of the Charter of Fundamental Rights of the European Union (2000). On the other hand, Article 21 forbids discrimination of any kind, including that based on language. Four Western Balkan countries—Albania, Montenegro, North Macedonia, and Serbia—have so far been granted official candidate status for EU admission. Their laws need to be in line with EU regulations as one of the requirements. On the other hand, not much research has been done on how the official and working languages of the EU affect the official languages of these nations. Consequently, the purpose of this study is to investigate how the acquis affect these languages in the course of the regulatory approximation process. A case study on the effects of Directive 2014/60/EU and Regulation 116/2009/EU on Cultural Heritage with reference to Albanian Law would serve as an example.

In their article, Ekaterina Strati and Ada Enesi from the University of Durrës "Aleksandër Moisiu", Albania, tackle the difficulties and

challenges of translating legal terminology from English into Albanian and vice versa during the translation of national legislation to align them with the EU acquis. Thus, there is an increasing need for expert legal translation services as well as a corpus of legal terminology that may be used to create a legal lexicon appropriate for the EU language that is now in use. The EU's legal texts are composed in the three official EU languages and concurrently translated into the languages of the other Member States. Since elements of the common law and civil law systems are combined to form the European legal system, new legal terms and concepts are introduced, which could complicate translation. On the other hand, grammatical concerns like sentence structure present obstacles in addition to vocabulary problems. The authors, drawing on the functionalist approach to translation theories, concentrate on the linguistic difficulties associated with translating EU terminology through examples.

In their paper, Adriana Gjika and Dorjana Klosi, from the University of Vlora "Ismail Qemali," focus on the relationship between European languages and literature—particularly French—and Balkan literature, as well as the ways in which language and literature serve as a connecting bridge. Drawing on the observation that literature from or about the Balkans has created connections with other parts of Europe in a variety of ways, the authors try to demonstrate how this is enabled—1. through Balkan literary works originally produced in the native tongue and later translated into European tongues, particularly French; 2. through the production of literary texts by Balkan writers in French; 3. through works by international authors who have chronicled life, conflicts, cultures, and customs in their native tongues. Writings about the Balkans by European and Balkan authors promote communication and collaboration between various communities and cultures. The authors highlight how these works aid in a deeper comprehension of Balkan histories and civilizations, as well as their significance to European society and culture.

Ervin Balla from the University of Durrës "Aleksandër Moisiu", Albania, in his article, revisits foreign language teaching methods, with a special focus on English, even more so in the light of new technological developments. As technology has produced new mediums for multimedia expression and communication that largely rely on poetic

expressions of semiotic sources, language instruction should only focus on semiotic sources as a significant component of semiotic sources (video, music, sound graphics, etc.). The author suggests that as varied educational situations and settings have evolved over time, so too have the needs of students and language proficiency requirements, and as a result, foreign language teaching methodologies have also had to adapt. The author provides a broad summary of the changes in strategies and tactics while pointing out the factors that have influenced these changes.

Finally, we express our gratitude to each and every one of our contributors for sharing their opinions and thoughts in this volume. Since we feel that we face similar issues in the current setting, we hope that by offering these perspectives, we have sparked the interest of academics, researchers, university professors, not only in Albania or the Western Balkans but also beyond.

Armela Panajoti, editor

September 2023

European Charter for Regional or Minority Languages as an instrument of European language policy

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Abstract

In this paper, I analyse the European Charter for Regional or Minority Languages as one of the most important European instruments of language policy and planning. In the first part, the basic principles of European language policy and ideology are outlined. Then the programme, structure, and work procedures of the Charter are presented. Finally, the paper discusses how the Charter intersects with the political field of European countries and what its role is in minority language revitalisation and emancipation.

Keywords: *language policy, multilingualism, minority language, regional language, European Charter for Regional or Minority Languages*

Introduction

CONTEMPORARY European language policy has been criticised and contested. Nevertheless, some significant results have been achieved in recent decades, with the European Charter for Regional or Minority Languages being one of the most important instruments of European language policy. In this paper, I analyse the basic ideological principles on which European language policy is based. Then the structure and procedures of the Charter are presented. It is shown how the Charter contributes to the revitalisation and emancipation of minority languages, the expansion of linguistic rights, and the general democratisation of the linguistic and social spheres in Europe. Finally, I reflect on the main shortcomings and achievements of the Charter.

European language policy

From the 18th century onwards, European countries began to establish the political pattern of nation-state based upon the Enlightenment and Romantic ideas of the (ideal) overlap of language, state, and nation. However, two models of nation-state should be distinguished: civil (French), based on the political unity of citizens living in one territory, and ethno-cultural (German), based on the idea of a common origin (Brubaker 1992). In both cases, the standardised national language variety was a unifying force in the formation of national identity, while minority and regional varieties were suppressed, marginalised or assimilated in the process.

It was also in the age of Enlightenment and Romanticism that the ideas of "minority/majority" emerged (Costa, Lane and De Korne 2018, 8). Drawing upon these ideas, modern nation-states have legitimised their social power through censuses, i.e. enumeration of population and groups of citizens. In post-Versailles (1919) Europe, the "minority/majority" classification developed as a legal and political category within the peace treaties that dissolved Europe's multinational empires (Habsburg, Ottoman, German, etc.). The language rights of former Imperial citizens were to be protected by international treaties and the League of Nations (1920) within the newly founded nation-states.

The numerical principle appeared to be particularly relevant in the definition of minorities, as Francesco Capotorti (1979) later put it:

> A group numerically inferior to the rest of the population of the State, in a nondominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.

Grappling with the shortcomings of the numerical principle in defining minorities, social theorists over time put more emphasis on the concept of a "non-dominant" position. From this point of view, a community is a minority if it finds itself in a non-dominant position by

some of its characteristics, regardless of the number of its members (Pentasuglia 2002, 69). The status of the minority is subject to constant negotiation, ambivalence, and disputes, unlike the majority (dominant) community, which enjoys relative stability. In order to address the dynamics of the "minority/majority" relationship, the term "minorisation" was coined, suggesting that the "minority" is neither an inherent nor a fixed characteristic but constructed in relation to the "majority" (Costa, Lane, De Korne 2018, 8).

The concepts of instrumentality and authenticity likewise originate in the Enlightenment and Romanticism, shaping modern European language ideology. Instrumentality refers to the knowledge of foreign languages and language standardisation, which ensure the functionality of the state and secure economic growth, while authenticity refers to the cultural importance of ethnic languages for the preservation and development of communities that use them (Gal 2011/2012; Krzyzanowski and Wodak 2011; Romaine 2013). Drawing upon this ideology, contemporary European language policy has been shaped by two principles—language is an instrument, and language is a basic human right (Leech 2017).

The institutional framework for European language policy was created by supranational institutions such as the Council of Europe (1949) and the European Community (1957)—today the European Union (1993). These two umbrella organisations, with their bodies and founding documents, were originally conceived as agents of political and economic integration in Europe. Curiously, at the very beginning of the European integration process, culture, language, and protection of minorities were on the sidelines, while political and economic issues were on the agenda. However, after some time, it turned out that the originally envisioned economic (and partly political) integration of European states was not possible without a more pronounced inclusion of previously neglected sociocultural components, particularly with regard to the issue of European language(s).

Since the European Union (EU) is the first and so far the only state community that, from its very beginnings, took the stance that equality is guaranteed by the fact that all the state languages of its members will automatically receive the status of official and working languages of the Union, multilingualism was imposed as a matter of working procedures.

The EU currently has 24 official languages (integral multilingualism), three of which—English, French, and German—are procedural languages of the European Commission (selective multilingualism), while the European Parliament accepts all official languages as working languages. The development of the multilingual strategy is linked to the document of the European Council adopted in Barcelona, the so-called "Barcelona Objective", followed by a series of papers and reports (Presidency conclusions 2002; Leech 2017, 27). These documents highlight the functional value of multilingual competences in the economy, recommending the improvement of basic language skills in education by learning at least two foreign languages from an early age. Accordingly, the ideal European citizen is a multilingual person whose language repertoire consists of a first ("native") language, which indicates authenticity, and at least one foreign language intended for work, which signifies instrumentality/universality (Gal 2011/2012, 49). The formula for multilingualism is, therefore, "M + 2", where M stands for the first (native) language, while the number two signifies two foreign languages; ideal minority speakers would be "M + 3", that is, they should know four languages—the first (native) tongue, the national official language, and two more foreign languages.

It was only during the 1990s that the Council of Europe adopted the European Charter for Regional or Minority Languages (1992) and the Framework Convention for the Protection of National Minorities (1995) as binding documents for the signatory states. With these two documents related to minorities, along with the policy documents on multilingualism, the contemporary European language policy was shaped, based on the principles of instrumentality (universality) and authenticity, which are embodied in two catchphrases—"the more languages you speak, the more of a person you are" and "united in diversity".

Although the European language policy has taken progressive steps towards fostering multilingualism, overcoming linguistic nationalism, and preserving diversity, it has nevertheless encountered serious criticism. Gal (2006, 167) argues that all relevant European language practices still conform to the Enlightenment-Romantic assumptions: policy is created for named languages with unique, codified norms of correctness embodied in literature and grammar. Indeed, the European

focus on multilingualism and linguistic diversity seems to reaffirm the static model of language, as it relies on the idea of a European policy based on the cooperation of different nation-states that have their own codified languages. Even though they were designed to overcome linguistic nationalism and hegemony, the European supranational agencies still (unintentionally) sustain ethnolinguistic nationalism, represented in the belief that ethnolinguistic communities "own" languages (Kamusella 2009). Across Europe, the popular and elite discourses continue to be dominated by the standard language ideology, which reinforces the symbolic power of standard variety over minority and regional ones (Blommaert and Verschueren 1992). As such, the European language policy does not facilitate newly emerging translingual ways and directions of communication (Vervaet and Mandić 2022). Moreover, it does not recognise and value multilingual individuals whose language repertoire does not correspond to the imagined polarised axis of authenticity and instrumentality/universality.

The main legal instrument for supporting European linguistic authenticity, i.e., minority languages and linguistic diversity, is the previously mentioned European Charter for Regional or Minority Languages, which is discussed in the next sections.

European Charter for Regional or Minority Languages

The European Charter for Regional or Minority Languages (ECRML) is a systematised legal framework or a set of standards for the protection and promotion of minority, regional, and less widely used official languages as endangered European cultural heritage[1]. It was adopted in 1992 under the auspices of the Council of Europe, the oldest pan-European institution established in 1949, and recommended

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[1] All information about ECRML can be found on the website, namely the text of the Charter in 56 languages, a list of countries that have signed the Charter, a list of languages that signatory countries protect under the Charter, an explanation of the monitoring of the implementation of the Charter, and all regular reports by the signatory countries, as well as reports by the Committee of Experts, recommendations by the Committee of Ministers, etc. https://www.coe.int/en/web/european-charter-regional-or-minority-languages/home (Accessed September 9, 2023).

to members of the Council of Europe[2]. The first draft of this important European convention was prepared by a working group of experts within the Congress of Local and Regional Authorities of the Council of Europe, which consists of representatives of European municipalities and regions and was established with the aim of encouraging political dialogue between national governments and local and regional authorities through cooperation with the Committee of Ministers of the Council of Europe[3]. The Charter, in fact, complements and specifies the protection of minority languages and language rights that are roughly defined in two key conventions of the Council of Europe—the European Convention on Human Rights (1950) and the Framework Convention for the Protection of National Minorities (1994). Although adopted in 1992, the Charter came into force only in 1998.

Conceptual and terminological ambivalence

The Charter explicitly states that it protects regional or minority languages and official languages that are less widely used within a state. It also differentiates between territorial and non-territorial languages, defining them as follows:

a) "Regional or minority languages" means languages that are:

   i) traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and
   ii) different from the official language(s) of that State.

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[2] The Council of Europe currently has 46 members, i.e., all European countries except Belarus, Russia, Kazakhstan, and the Vatican. Russia was excluded from the Council of Europe on March 16, 2023, due to the war in Ukraine; https://www.coe.int/en/web/portal/home (Accessed September 9, 2023).

[3] This regionally oriented institution started as the Consultative Assembly in 1953, which later grew into the Conference of Local and Regional Authorities of Europe (1957), and was founded in its current form in 1994; https://www.coe.int/en/web/congress (accessed September 9, 2023).

It does not include either dialects of the official language(s) of the State or the languages of migrants.

b) "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;
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 (Part I, Article 1)

Consequently, the Charter makes a difference on the basis of indigenousness (authenticity), whereby "the autochthonous languages account for the linguistic diversity, the allochthonous are labelled foreign and are perceived as non-European" (Halwachs 2017, 39). The Charter itself does not explain the difference between minority and regional languages, which is considered one of its deficiencies. However, those languages whose speakers are not the majority in any part of the territory of a given country can be considered minority languages, while regional languages are those whose speakers are a (relative) minority in the whole country but at the same time a (relative) majority in some parts of the country (e.g. Catalan, Galician, Occitan, Low German) (Bugarski 2017, 47–50). Thus, as Halwachs (2017, 24) points out, "languages protected under the Charter range from *Swedish* as a co-official language in Finland to *Cornish* as a minority language in the process of revitalisation."

As shown above, the Charter does not take into account dialects of the official language or the languages of migrants, which over time has increasingly been shown to be one of its shortcomings. Since there are no linguistically valid criteria for distinguishing languages from dialects, it turns out to be a sociological and political issue rather than a strictly linguistic one. As such, it is subject to various interpretations in

different national, social, and linguistic contexts. Bugarski[4] (2017, 49–50) gives examples of nine Sami dialects in the Scandinavian countries, some of them mutually incomprehensible, "which are for administrative or political reasons sometimes treated by the states as a single 'Sami language' – which in Norway enjoys official status along with Norwegian [...] Another special problem is 'the Romani language', in reality a conglomeration of different dialects under various local names."

The preconditions for protection under the Charter are thus traditional presence (autochthonous language) and a sufficient number of speakers in a given territory, regardless of possible standardisation or official use. However, the principle of a "sufficient" number of speakers also brings challenges. Bugarski (2017, 50) stresses that "it is impossible to determine the number of speakers deemed sufficient, so one must live with rough approximations—and besides, many Western countries, such as Sweden, Denmark, or Germany, do not collect statistical data on the ethnic or linguistic affiliation of their citizens, which makes it hard to estimate the actual size of population groups". Central and Eastern European countries, however, still gather data on "mother" (native) tongue, ethnicity, and religion through censuses, which makes it somewhat easier to assess the number of speakers of minority and regional languages.

Based on respect for national sovereignty and territorial integrity, the Charter leaves acceding states the freedom to define criteria for the recognition of their minority or regional languages; it is also up to them to establish a distinction between languages and dialects or between autochthonous and migrant languages. The acceding states decide not only which languages will be protected under the Charter but also what measures will be taken according to the Charter provisions. Therefore, there is a lot of room for arbitrariness and the influence of political factors. However, as Bugarski (2017, 44–45) argues, "the primary objective of the Charter is of a cultural rather than political nature: conceived so as to protect endangered languages and not linguistic

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[4] Ranko Bugarski is a well-known Serbian linguist who was the representative of Serbia in the Committee of Experts on the Charter for two terms (12 years) and wrote many studies on the Charter.

minorities themselves [...]. Its focus, then, is on the possibilities of using languages, not on the language rights of their speakers."

In order to overcome obstacles posed by national laws of different states, the Congress of Local and Regional Authorities of the Council of Europe encouraged regional and local authorities to sign Local Charters for Minority or Regional Languages, stressing that the signing or ratification of the Charter by the states does not have to be a prerequisite for the implementation of its measures at the local level (Congress Recommendation 286, 2010). The Local Charters are thus signed within the framework of partnership with the Council of Europe and aimed at protecting and promoting local minority or regional languages. The structure of the Local Charters reflects the European Charter in its entirety and also involves a monitoring process, but contains a slightly smaller number of paragraphs.

Structure

The Charter consists of two normative parts, II and III, which define the commitments of the acceding states. In Part II, eight fundamental principles applicable to all regional or minority languages are outlined (Part II, Article 7):

1. Recognition of regional or minority languages as an expression of cultural wealth;
2. Respect for the geographical area of each regional or minority language;
3. The need for resolute action to promote regional or minority languages;
4. The facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;
5. The provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
6. The promotion of relevant transnational exchanges;
7. The prohibition of all forms of unjustified distinction, exclusion, restriction or preference relating to the use of a

regional or minority language and intended to discourage or endanger its maintenance or development.

8. The promotion by states of mutual understanding between all the country's linguistic groups.

Part II entails that all acceding states accept the above-cited commitments for all languages listed in the ratification documents or reports.

Part III contains 68 concrete undertakings in seven areas of public life (Part III, Articles 8 to 14): (1) education; (2) judicial authorities; (3) administrative authorities and public services; (4) media; (5) cultural activities and facilities; (6) economic and social life; and (7) transfrontier exchanges. This part applies only to those languages that each acceding state names individually in its ratification.

Hence, each of the acceding states specifies which regional or minority languages will be protected and promoted and undertakes to apply Part II to all selected minority or regional languages and at least thirty-five paragraphs or subparagraphs (out of a total of sixty-eight) from Part III for some chosen languages.

(Non) signatory countries

So far, the Charter has been signed and ratified by just over half of the member states of the Council of Europe—25 out of 46. Among them are: Armenia, Austria, Bosnia and Herzegovina, Croatia, Cyprus, the Czech Republic, Denmark, Finland, Germany, Hungary, Liechtenstein, Luxembourg, Montenegro, Netherlands, Norway, Poland, Romania, Slovakia, Slovenia, Serbia, Spain, Switzerland, Sweden, United Kingdom, and Ukraine. In addition, the Charter applies to the Isle of Man, which is a self-governing British Crown Dependency in the Irish Sea between Great Britain and Ireland. The signatory countries may subsequently add further languages and new commitments to their ratification documents, as well as withdraw their ratifications (as it happened once and temporarily with Ukraine, which will be discussed in more detail below). However, when a signatory state undertakes its obligations under the Charter, the process of

implementation and monitoring entails some clearly defined responsibilities.

In addition to the signatory states, as mentioned above, their municipalities can also appear as contracting parties, provided that they sign the Local Charter for Minority or Regional Languages. The first municipalities to sign and ratify the Local Charter were in the French region of Alsace in early 2014, which included the protection and promotion of local German varieties. Subsequently, many Local Charters were ratified by municipal authorities in France, Switzerland, and Serbia (Popović 2024).

Another nine countries signed the Charter, but did not ratify it—Azerbaijan, France, Iceland, Italy, Malta, Moldova, North Macedonia, Russia, and Portugal. Due to the Russian invasion of Ukraine, Russia's membership in the Council of Europe was terminated (March 16, 2022), which automatically resulted in the suspension of this country's signature.

So far, the Charter has not been signed by 13 member states of the Council of Europe—Albania, Andorra, Belgium, Bulgaria, Estonia, Georgia, Greece, Ireland, Latvia, Lithuania, Monaco, San Marino, and Turkey. This undoubtedly testifies to a certain reserve of the cited countries when it comes to the promotion and protection of their minority and regional languages, due to the possible political challenges that this may bring. The fear of losing national sovereignty to a European institution may be another reason for not joining the Charter.

All countries that did not sign or ratify the Charter are occasionally reminded by the Council's Congress of Local and Regional Authorities to undertake this commitment. At any rate, the document remains open for access as well as for signature withdrawal.

Minority or regional language: variable terminology

Currently, the Charter covers 81 languages, used by 206 national minorities or language groups[5]. In Western European and Scandinavian countries, an average of five languages is protected, whereas in Central

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[5]See List of languages covered by the Charter: https://rm.coe.int/november-2022-revised-table-languages-covered-english-/1680a8fef4 (Accessed September 9, 2023).

and Eastern European countries, the number of protected languages is higher. The countries with the most languages protected are: Poland and Serbia with 15; Bosnia and Herzegovina and Ukraine with 17; and Romania with 20 languages. Some countries have chosen a minimum number of languages for protection, which mostly reflects their wish to maintain the status quo within their language policy, while other countries have chosen a perhaps unrealistic language policy by choosing too many languages and thereby guaranteeing an unattainable level of protection. Given that the Charter does not explicitly define criteria by which some languages are considered minority, regional, non-territorial, or less used official languages, the signatory countries in their ratification documents define in different ways the languages they have chosen to protect. The Federal Republic of Germany, for example, distinguishes between minority and regional languages in terms of the Charter, with the regional language being Low German, while other protected languages are called minority:

> In Germany, a regional language within the meaning of the Charter is Low German. Protected minority languages are the languages of national minorities and of other ethnic groups traditionally resident in Germany, who in the FRG come under the Council of Europe Framework Convention for the Protection of National Minorities – Danes, the Sorbian people, Frisians in Germany, and the German Sinti and Roma. These languages are Danish, Upper (Lusatia) Sorbian and Lower (Lusatia) Sorbian [Wendish], North Frisian and Saterland (East) Frisian, and the Romany language of the German Sinti and Roma. (Initial Periodical Report Germany 2000, 5)

Some signatory countries use the collective designation "regional or minority languages", e.g. Sweden, Finland. Yet again, some other countries use exclusively the designation minority language, e.g. Denmark, Austria, etc.:

> Austria declares that minority languages within the meaning of the Charter in the Republic of Austria shall be the Burgenlandcroatian, the Slovenian, the Hungarian, the

Czech, the Slovakian languages and the Romany language
of the Austrian Roma minority. (Halwachs 2017, 26)

In some ratification documents, the protected languages are not labelled at all. In Ukraine, for instance, the ratification document listed minorities whose languages are to be protected, thereby circumventing the Charter's notion of linguistic minority:

In Ukraine the provisions of the Charter apply to the languages of the following national minorities: Belorussian, Bulgarian, Gagauzian, Greek Jewish, Crimean Zatar, Moldovan, German, Polish, Russian, Romanian, Slovak, and Hungarian. (Initial Periodical Report Ukraine 2007, 5)

In the Explanatory Report to the Charter, the languages of the Roma and also Yiddish are given as examples of "non-territorial languages", but Halwachs (2017, 25) argues that Romani is non-territorial only in some Western European lands, while "in other parts of Europe Romani fully complies with the territorial definition of the Charter". Sweden, for example, defined Sami, Finnish, and Meänkieli as "regional or minority languages", and Romani and Yiddish as "non-territorial minority languages" (Hult 2004, 192). In total, the designation "non-territorial" is explicitly used by four countries for six languages: Armenian by Cyprus and Poland; Hebrew and Karaim by Poland; Karelian by Finland; Romani by Finland, Poland, and Sweden; Yiddish by Poland and Sweden (Halwachs 2017, 25).

More than 60% of the languages covered by the Charter fall under the definition of a stateless autochthonous language of Europe, like the Frisian, the Sami, the Sorbian, the Bunyev, etc., which fully complies with the main goal of the Charter which is "protection of Europe's endangered cultural heritage" (*Ibid.*, 27).

The Charter also protects less widely used official languages, for instance, Swedish in Finland, Italian and Romansh in Switzerland, Basque in the Autonomous Community of the Basque Country and the Basque-speaking regions of Navarre in Spain, Welsh in Wales in the United Kingdom, West Frisian in the province of Fryslân in the Netherlands, Hungarian in Serbia, etc. (*Ibid.*, 25).

Nevertheless, there are some minorities, like Roma Sinti communities in Germany, who do not wish to have their language protected and "who cherish their idiom as an intimate possession that must not be revealed to outsiders" (Bugarski 2017, 52).

As previously mentioned, one of the main shortcomings of the Charter is the explicit exclusion of "the languages of migrants". As Bugarski (2017, 50–51) reminds us: "In many host countries these idioms have far more speakers than the officially recognized languages of autochthonous minorities, and thus represent precisely the richest single source of linguistic diversity in present-day Europe. We may mention only the Turks in Germany and the Arabs in France, or the multilingual reality of the great urban agglomerations across the continent, but also the example of Slovenia, which initially recognized only Italian and Hungarian although it has several times more speakers of the former Serbo-Croatian varieties." To this, one can add the Serbian language in Austria, where about 300,000 people of Serbian origin live, but Serbian is still considered a migrant language. The principle of excluding migrant languages from the Charter was initially pragmatically motivated, but it also has an ideological background rooted in the Romantic notion of authenticity and linguistic nationalism. However, the criteria for selecting languages to be protected may need to be reconsidered in the future.

Implementation and monitoring

The application of the Charter involves three principal partners: the Council of Europe, signatory states, and civil society—NGOs, minority institutions, and other representatives of speakers of minority languages. The Council of Europe monitors whether the Charter is applied in practice, and for this purpose, a Committee of Experts is appointed, including one member from each signatory state, as an independent expert of the highest integrity and recognized competence in the matters dealt with in the Charter. The expert is proposed by the signatory state and approved by the Committee of Ministers of the

Council of Europe[6]. The members of the Committee of Experts are appointed for a period of six years and have the right to be re-appointed for one more term (maximum of twelve years).

The signatory state is obliged to submit its first report to the Council of Europe within one year after the entry into force of the Charter, and it submits other reports at three-year intervals. After receiving the periodic report, a delegation of the Committee of Experts visits the country to discuss measures aimed at protecting and promoting selected languages with non-governmental organisations (NGOs), minority organisations and government representatives. The Committee of Experts then submits to the Committee of Ministers a report on the signatory state's compliance with its obligations and, where appropriate, encourages the signatory state to improve the level of protection and promotion of minority and regional languages. This body considers the report of the Committee of Experts and sends it to the respective state on its behalf. The secretary general of the Council of Europe submits a detailed general report on the implementation of the Charter to the Parliamentary Assembly every two years. Although there is a kind of "soft power" that is exercised over the signatory countries through the Charter's Committee of Experts and the monitoring process, no formal sanctions are stipulated for failure to fulfill the obligations assumed.

Political concerns regarding the Charter

The recognition of minority languages and the language rights of minority speakers very often involves issues of sovereignty, the loyalty of minority communities, and conflicts between international, national, and regional language claims and rights. All countries, both signatories and those that have signed but not ratified or those that have not signed the Charter, have different controversial situations regarding the languages they have (not) chosen to protect, and all these reasons are

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[6] European Charter. Monitoring. https://www.coe.int/en/web/european-charter-regional-or-minority-languages/committee-of-experts (Accessed September 9, 2023).

related to the role of language in the political field. I refer below to some of those cases.

After the dissolution of the multilingual and multinational federation of the Soviet Union, many post-Soviet republics found themselves in a peculiar situation: their official languages were not sufficiently developed and prestigious compared to Russian, which was still dominant but had then been awarded the status of a minority language. A number of post-Soviet states have thus avoided joining the Charter. Estonia, Lithuania, and Latvia, each with a dozen minority languages, of which Russian is by far the strongest, abstained from signing the Charter in order to curb the influence of the Russian language and support the development of their official languages (Järve 2002). Unlike them, Ukraine signed the Charter in 1996 and ratified it in 1999; however, it withdrew its ratification a year later because the Ukrainian authorities feared that its implementation could endanger the balance of the country's linguistic situation. Ukraine then re-signed the Charter in 2003 and ratified it in 2006, despite the strong political opposition within the country. Eventually, Ukraine has been obliged to protect seventeen minority languages, Russian included, but the implementation of the Charter is still hampered by the dominance and prestige of Russian in comparison to the official Ukrainian and by the fact that minority languages in Ukraine vary greatly in size and social status (Csernicskó and Márku 2020). The situation is further complicated by the invasion of Russia. The loss of jurisdiction over Crimea, for example, opened the question of six minority languages (Bulgarian, Crimean Tatar, German, Greek, Karaim and Krimchak) for which Ukraine guaranteed protection under the Charter. Russia signed but did not ratify the Charter, probably due to the extremely high number of minority languages that need protection (Zamyatin 2016). However, Russia was excluded from the Council of Europe following its aggression against Ukraine.

In Montenegro, the post-Yugoslav republic, the newly established language, Montenegrin, was declared official, while Serbian (Serbo-Croatian), as the former official language, was relegated to a minority language in official use. In reality, both languages are the same, with minor linguistic differences and different names. Therefore, one and the same language in the linguistic sense should have functioned both

as an official and as a minority language. This controversy was overcome by Montenegro's declaration that Serbian is not a minority language in the sense of the Charter, which was also accepted by the Montenegrin Serbs, who do not see themselves as a minority, in contrast to the speakers of Croatian and Bosnian, also variants of Serbo-Croatian, who are granted protection under the Charter (Bugarski 2017, 47). North Macedonia, another post-Yugoslav republic, ratified the Framework Convention as early as 1997. However, it also signed but did not ratify the Charter initially due to internal Macedonian-Albanian tensions and controversies regarding the status of Albanians, whose speakers make up almost a third of the population in the country. Meanwhile, Albanian became the second official language in the country in 2019, despite the strong political resistance of some Macedonian political actors (Andeva, Sela, and Matovski 2022, 116).

Controversies similar to the post-Yugoslav language identity questions about whether it is one language or several with different names are also found in Spain, e.g., Catalan in Catalonia and Valencian in Valencia (Bugarski 2017, 54). Eventually, Spain agreed to protect 11 minority languages under the Charter, among them Catalan in Aragon, the Balearic Islands, Catalonia, and Valencian/Catalan in Murcia and the Valencian Community[7]. The language situation in Spain is further complicated by a complex federal structure and the fact that minority languages vary significantly in size and social status. Cyprus ratified the Charter and committed to protecting Armenian Cypriot and Maronite Arabic, while Cypriot Turkish remained outside the list of endangered languages due to its co-official status with Greek in the country, although it can be considered threatened in many parts of the country (*Ibid.*).

Romania has committed to protecting by far the largest number of minority languages under the Charter – twenty (*Ibid.*). However, Romania has been criticised for linguistic nationalism, as there is an idea that all linguistic varieties that are genetically very close to Romanian but spoken outside Romania by different language

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[7] See List of languages covered by the Charter: https://rm.coe.int/november-2022-revised-table-languages-covered-english-/1680a8fef4 (accessed September 9, 2023).

communities should be protected under the umbrella of Romanian as a macro language. In that view, four varieties—Daco-, Istro-, Macedo-, and Megleno-Romanian—are all varieties of one Romanian language. As Halwachs (2017, 28) argues:

> Daco-Romanian subsumes *Romanian* and *Moldovan*. Istro-Romanian varieties are or were spoken on the Istrian peninsula. Macedo-Romanian subsumes varieties known as *Aromunian* and *Vlach*. Megleno-Romanian subsumes varieties labelled *Vlăhește* by its speakers and *Meglenitic* by linguists. Additionally *Boyash* is protected under the Romanian linguistic-political umbrella. Linguistically the varieties of *Boyash* are based on old *Romanian* dialects. They are spoken by Romani communities outside of Romania, in Croatia, Hungary, Serbia, etc. Apart from the fact that *Boyash* varieties are significantly shaped by their contact languages, they are perceived by the speakers as their languages. Thus, *Boyash* is treated as a language, not only in the context of the Charter. Nevertheless, as all of these linguistic varieties are related to Romanian, the genetic relationship is used to justify the role as a protective power.

France signed the Charter already in 1999 but has still not ratified it, as the Charter appeared to be in collision with its Constitution, according to which the only official language in the Republic is French (Promoting ratification of ECRML in France). However, according to experts' assessments, in the case of France, the Charter would apply to the following seven regional languages: Basque, Breton, Catalan, Corsican, Dutch (West Flemish and Standard Dutch), German (which would include the regional variant German spoken in the Alsace-Moselle area and Standard German), and Occitan (Popović 2024). In order to overcome the legal contradiction related to the Constitution, France allowed its municipalities to protect regional minority languages by signing Local Charters for Minority or Regional Languages. Subsequently, many local authorities signed and ratified Local Charters, namely those of municipalities in the Alsace-Moselle region (since 2014, protecting local variants of the German language) and municipalities in the Basque region of France (since 2021, protecting the Basque

language) (*Ibid.*). Although considered rare monolingual states, Iceland and Portugal likewise signed but did not ratify the Charter. Nonetheless, Bugarski (2017, 55) argues that the "monolingual" situation of these two countries, especially in Portugal, should be reconsidered in the present context.

Germany signed and ratified the Charter, but the administrative organisation of the country is complex since language policy is the responsibility of the German *Länder* and not of the federal state (Anderson 2015). Belgium, for example, did not sign the Charter due to its complex federative structure consisting of French and Flemish parts with different legal treatments of minority languages, which would have entailed separate ratifications by the two regions (Hammas 2016). Italy, likewise, did not sign the Charter mainly due to its complex language situation and controversy over what should be considered Italian dialects and what should be considered languages in their own right (Cravens 2014). Ireland finds itself in an unusual position as well, since the country's primary official language is Irish and the second official language is English, while, in reality, Irish is endangered—in decline and much less used than English (O´ Laoire 2012). Therefore, the Irish language should have been protected and supported within the Charter, which seems unacceptable for Ireland because it is a symbol of national and state identity. Regarding Albania, Greece, Bulgaria, and Turkey, which have not signed the Charter either, Bugarski (2017, 55) argues that these countries "do not grant official recognition to minorities or their languages in the relevant sense and therefore hardly fit into the Charter's framework". Finally, Luxemburg and Liechtenstein, which lack minority languages in the sense of the Charter, joined it as an expression of solidarity with its goals.

Language emancipation and revitalisation via the Charter

The Charter specifically contributed to the emancipation and revitalisation of many European minority and regional languages. Romani and Yiddish, both highly dispersed languages with scattered and transnational language communities, are marked as non-territorial languages in the Explanatory Report of the Charter. The Charter thus levelled up the issue of the Romani varieties and the Yiddish on a

transnational, pan-European level. Romani is protected under the Charter in Austria, Bosnia and Herzegovina, the Czech Republic, Finland, Germany, Hungary, Montenegro, the Netherlands, Norway, Poland, Romania, Serbia, Slovakia, Slovenia, Sweden, and Ukraine. (*Ibid.*) In Finland, it was designated as a non-territorial language. However, the development and use of Romani in all spheres of social life is still inadequate, given that the Roma do not have political power, nor is their political participation in the states in which they live satisfactory, so the struggle for Romani language emancipation is likely to continue over the next decades (Halwachs, Klinge, and Schrammel-Leber 2015; Tahirović-Sijerčić 2019). Yiddish is a language whose number of speakers was drastically reduced due to the Holocaust. It is protected in Bosnia and Herzegovina, Finland, the Netherlands, Poland, Romania, Sweden, and Ukraine. (*Ibid.*) However, the designation "non-territorial" for Yiddish is explicitly used only by Poland and Sweden. The Charter contributed significantly to the revitalisation of the small and dispersed Yiddish language communities throughout Europe, many of which were facing language shift or language death.

The Charter also improved the status of Scottish, Irish, and Welsh and encouraged the revitalisation of almost extinct Celtic idioms (Cornish and Manx Gaelic) in the United Kingdom. In its third report on the United Kingdom, for example, "the Committee of Experts noted that the Welsh and Scottish Gaelic languages had gained status within the European Union bodies as they could now be used in meetings of the Council of the European Union, and Welsh-speakers and Scottish Gaelic-speakers could now write and receive a response to EU bodies in their mother tongue" (Dunbar 2012). In addition, the government in Scotland, enthused by the Charter, launched a strategic campaign in order to promote the Scottish language in public life, raise public awareness of Scottish speakers, and support it in the fields of education, culture, and media (*Ibid.*).

The ratification of the Charter had a profound impact on minority language policies in Scandinavian countries, especially regarding the emancipation of Sámi, Mëankieli, and Kven, previously considered local dialects of Finnish in Sweden and Norway. Via the Committee of Experts, the Charter also encouraged the standardisation of Kven in

Norway by including "various user groups in the standardisation process in order to create a standard that would be seen as legitimate by Kven speakers" (Lane 2016, 105). Soon after Sweden ratified the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages in 2000, it granted special language rights to Finnish (Lule, North and South), Sámi, Meänkieli, Romani, and Yiddish as part of Sweden's cultural heritage (Arola, Kunnas, and Winsa 2010).

In Germany, the widespread Low German (*Plattdeutsch*) was finally recognized as a regional language in its own right due to the protection granted under the Charter (Anderson 2015). In the Netherlands, the Charter also promoted, beside Romani and Yiddish, the West Germanic languages Frisian and Limburgish, as well as Low Saxon (more or less similar to *Plattdeutsch*) (Hamans 2016, 58). With the help of the Charter, Kashubian, a West Slavic language spoken in Poland, has likewise been promoted and protected (Szwajczuk 2013). The Charter has similarly benefited the Basque language by fostering its use and protection both in the Basque Autonomous Community and generally in the Spanish State (Baztarrika Galparsoro 2018).

In Serbia, the implementation of the Charter has already greatly influenced the redefinition of local, regional, and national language policy, especially in the case of minority languages whose status has been the subject of numerous disputes and polemics both in the language communities themselves and in the national and regional public; e.g., Bosnian (by some prominent Serbian linguists who see it as a variant of Serbian), Bunjevac (by the state authorities in Croatia, who claim that it is a mere dialect of Croatian), Vlach (by the state authorities in Romania claiming it as a Romanian dialect), and Ruthenian (by some Ukrainian linguists and activists who see it as a dialect of Ukrainian). It is precisely in these cases that minority activists have very effectively used international mechanisms, such as the Charter, to bypass the national level burdened by political compromises between nation-states that are often harmful to small in-between language communities and to make the issues that their languages are facing known to a wider, international public. Although their demands for language recognition were supported by the Committee of Experts, the Second Evaluation Report on Serbia was blocked in the Committee

of Ministers by the Romanian and Croatian members for two full years but was finally adopted without any changes in June 2013 (Bugarski 2017, 56–57). Hence, with the help of the Charter, these minority communities made a scale jump from the national to the international level in order to get their languages recognized (Mandić, Belić 2018). Serbia also committed to protecting Romani under Part III, although it is not in official use in any part of its territory, a condition fulfilled by other languages protected under Part III. This is a symbolically important gesture aimed at "improving the public image of this language and has initiated or supported various current projects aimed at its protection and promotion" (Bugarski 2017, 56–57). Some local municipalities in Serbia have ratified Local Charters for Minority or Regional Languages and in this respect, Serbia belongs to the most advanced countries, as it is so far the only signatory country that has adopted a Local Charter protecting several minority languages, i.e., four in the municipality of Kula: Hungarian, German, Ruthenian, and Ukrainian (Popović 2024).

Concluding remarks

The Charter has obviously become an indispensable factor that greatly influences and shapes national European language policies using a "top-down" approach combined with "bottom-up" initiatives of local language communities. In the previous part of the paper, I already mentioned that it has both numerous shortcomings and achievements, some of which I briefly summarise in this conclusion.

Namely, the Charter does not give a precise definition of what it considers a minority or regional language, a less widespread official language, a dialect, or a migrant language, so it leaves a lot of room for acceding states to arbitrarily decide which languages to protect. The very insistence on the traditional Romantic concept of authenticity, which is given priority over the actual use of the language and speakers of so-called "migrant" languages, is also a sign of its ideological conservatism and obsolescence.

The Charter insists above all on the obligation of the signatory state to provide printed newspapers, radio, and TV shows in all its minority languages. However, the impact of new information and digital

communication technologies on European societies as well as the role of private media have been foreseen in the Charter, adopted two decades ago. As McMonagle (2012, 1) argues, "the references to the internet have increased in the reports of the Committee of Experts since monitoring began. However, the role of new technologies in inhibiting or facilitating regional and minority languages is seldom evaluated." The Charter also needs reform in terms of reporting and procedures that slow down and complicate the process of monitoring the implementation of the Charter (Bugarski 2017, 51). Besides, the Charter still fails to challenge the dominant standard language ideology, which can be seen in the example of Bunjevac, a South Slavic minority language in Serbia, whose path to emancipation, supported by the Charter, led through its standardisation (Mandić and Belić 2018).

The achievements of the Charter are great. The Charter raises general public awareness of the importance of minority languages, framing them as Europe's endangered cultural heritage. It has become obvious that in almost every European country there are minority languages deserving protection, and this has contributed to their greater visibility on a supranational level. Then, it problematises hegemonic language policy and monolingual ideology within the nation-state.

In the signatory states, the Charter led to a more positive and responsible attitude towards their minority languages and encouraged their institutions to systematically deal with their obligations in this area, among other things, by establishing various cultural and pedagogical institutions, commissions, and programs for minority languages. The efficiency of the Charter has been recognized by minority representatives, who have been actively involved in the process of monitoring the implementation of the Charter by sending their comments, views, and requests to the Committee of Experts, which is reflected in the regular reports submitted by this Committee. Thus, it has helped minority language communities all around Europe to circumvent obstacles at the nation-state level in the process of their revitalisation, emancipation, and development. In general, the Charter contributed to increasing the awareness of minorities about their rights and encouraged them to actively participate in matters of common interest.

However, there have been no new ratifications for several years. It seems that the Charter and the Framework Convention were adopted while the prevailing atmosphere was more favourable for minority languages. The future and perspectives of the Charter will certainly depend on the general social climate and the political path taken by European countries.

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