

Panel 2: Public Policy Objectives and Practices of Education in Minority Languages

Dr Timofey Agarin, Queens University Belfast

Across the European region nation-states are tasked with delivering the effective protection of their citizens' human, as well as minority rights. It is worth noting, nation-states' obligation is primarily to their citizens. Yet, some 3.8% of EU citizens live outside of their member state (2017 data) and approx. 4.4% of EU's residents or 22.3mio are non-EU citizens fall outside the scope of protection as members of national minority or minority language groups in nation-states across in the EU.

Reflecting this, I welcome the initiative of the European Regional Forum to draw attention not only to linguistic rights of traditional minorities, but also of resident migrants, non-citizens. In recognition of this ambition and in the spirit aimed at the inclusion of a wide variety of these groups, I will refer to individuals and communities not in the position of majority in country of their residence as non-dominant groups throughout.

Discussion initiated by this Forum on public policy objectives and practice is both necessary and timely. I would like to draw attention to only three cases from recent political practice in different parts of the EU where politicisation of non-dominant communities' rights stalled progress of development of more robust discussions on and inclusive approaches to minority education.

Northern Ireland Legislature has been defunct for over two years with two key parties sharing power in the devolved administration representing different opinions on visibility of recognition of – note, historic – language diversity. The 'robust disagreement of key political parties is not limited to the Irish Language Act, of course; Yet the lack of progress on legislation is indicative of challenges *promoting minority language policies faces when it is highly dependent on acquiescence of dominant groups.*

In June 2018 'People decide', the initiative by Croatia's citizens, submitted a request for a referendum to redefine the mandate of national minorities political representatives in order to restrict their votes on several issue when in parliament: Underlying this was the claims that minority representatives have exercised undue leverage in matters which should have been felt by the ethnic majority, including on bargaining for greater subsidies for minority education. The case of politicking about the due representation of minorities' interests in decision making on public policy issues, ie issues affecting minority and majority alike, showcases the *pitfalls of majoritarian decision making in the democratic political process.*

Finally, the 2018 appendage of the Preamble to Latvia's Constitution established the duty of the state to protect and promote ethnic Latvian values, including the Latvian language. The Preamble that can be neither changed, nor separated from the entire Constitution, is seen as direct response to the (unsuccessful) 2012 referendum that sought official recognition to Russian, the language native to about 40% of residents. Latvian case illustrates the entrenchment of the notion that *nation-state ought to be serve the majority ethnic group first and foremost.*

These three cases of politicking referencing minorities' representation and participation in public life in their language refers to distinct countries', but nevertheless European experiences of challenges non-dominant language communities face today are mirrored therein: Access to and full equality in participation of minorities in public life across wider Europe is almost unanimously guaranteed as result of *nation-states' dominant communities agreeing to the fact that it is sensible; that*

recognising some level of diversity within the state citizenry is warranted, and that access of all people affected to public goods made available by the state is desirable.

Such initiatives of states to define, implement and oversee the scope of minority language rights in general, and education in minority languages are commendable, but such policy initiatives face considerable challenges from groups dominant in these states.

Concerns about *polity's internal stability* and *the erosion of equal representation of all citizens* are often the go-to responses to affirmative action policies. At the same time, guarantees of minority rights and language rights of non-dominant groups have often been heard as acts of *selling out the 'national' sovereignty* especially during the EU enlargement process and when recognising the rights of minorities, representing 'divided nations', groups with a kin-state elsewhere.

While nation-states recognise some minority language rights to protect members of non-dominant language communities from undue pressures of assimilation, they need to fend off criticism of *foregoing societal cohesion of their citizenry*, as well as accusations of *undermining socio-cultural integration* of members of non-dominant language communities.

These challenges indicate that the existing modes of accommodation of language rights of non-dominant communities *reproduce the logic of nation-state building*: Acknowledging language community's aspiration for unhindered use of their language for education, as well as for communication with state officials are seen as a foundational stone for greater visibility of non-dominant groups in public life; they are also frequently mistaken for the aspiration for secession and inviting intervention by the neighbouring kin-state.

Where such fears are justified is that recognition and support by the state of non-dominant language communities' aspiration to receive education in their language of necessity *undermines the objectives of ethnonational consolidation of state citizenry around the language and culture of the dominant majority*. The range of European minority rights instruments are bound and reproduce the nation-state building logic of states recognising non-dominant groups' and their distinctness: In recognising some groups but not others, states thus *co-opt these recognised communities into their nation-state building project*; by *guaranteeing reserved seats* in legislatures it grants some representatives of non-dominant groups visibility, but in all cases recognition of some groups leaves others underprivileged.

Recognition of some groups for the purposes of guaranteeing right for native language education implicitly excludes other groups from enjoyment of the self-same rights. Despite their individual members' similar experience of limited enjoyment of participation in political, economic, social life in languages other than the state language, opportunity for education in some non-dominant languages rather than in others continues to have assimilative effects on smaller non-dominant language groups.

At best, this encourages competition for status recognition of groups with little access to native language education; at worst, it encourages identification of education opportunities as avenues laid out by the majority – and even other non-dominant groups – towards creeping, even if intergenerational assimilation. This breeds perceptions of group-based inequality, feelings of marginalisation, and at times discrimination, all of which can – if compound by differential opportunities to pursue political, social, economic agendas on their own right – consolidate hierarchies existing between linguistic groups.

Thus, what can be observed is the co-optation of – at least part – speakers of non-dominant groups into projects of national society integration designed for and serving the dominant group's vision of the nation-state: serving the numeric majority of citizens of the polity – nation-state, minority region, or non-territorial entity – which uses only the designated language. Legislation privileging the status of and the use of selected non-dominant languages, usually of the ethnic/national/regional but always autochthonous minorities, therefore appear reasonable in so far as they mandate equality of access to education per se. However, the auxiliary role even the recognised non-dominant languages tend to play in political decision making by the members of the dominant language community requires perhaps the revision of the overall approach to dealing with non-dominant communities' linguistic needs.

On the way, however, the logic of relying on the nation-states commitment to minority language rights protection, such as ECRML might appear counterproductive. As in the ECRML, preference for territorial application of non-dominant groups' language rights, designation of groups benefitting from the Charter as being citizens of the state, and inclusion of some, but not all groups with the 'genuine link' to the nation-state continues to reflect the country specific logic of minority language protection.

Reservations attached to Slovakia protocol at the time of ratification of the ECRML (20 February 2001) declared, that the Charter applies to the "territory in which the regional or minority language is used", also regarding the application of Article 10, shall refer to the municipalities in which the *citizens of the Slovak Republic belonging to national minorities form at least 20 % of the population.* Also, the 'Slovak Republic declares that it shall *apply the Charter in accordance with the Constitution of the Slovak Republic [...] without prejudice to the use of the official language.*'

While the spirit of ECRML seeks to grant recognition to language minorities, this welcome step is hardly matched up in practice by signatories. The missing parity of decision making between majorities and the designated minorities identifies some groups as the ones in need to protection by those who craft state policies, the dominant groups.

Eg in the Declaration attached with ratification of the ECRML (12 February 2009) Poland creates a comprehensive set of variously designated languages: 'The regional language is the Kashub language. The national minorities languages are Belorussian, Czech, Hebrew, Yiddish, Lithuanian, German, Armenian, Russian, Slovak and Ukrainian. The ethnic minorities languages are Karaim, Lemko, Romani and Tatar. The non-territorial languages are Hebrew, Yiddish, Karaim, Armenian and Romani.' However, this only underlines that the explicit recognition of some groups means implicit exclusion of other non-recognised groups from the scope of protection.

Recognising some minority and by extension language identities for the purposes of protection, and facilitating access to native language education can harness language—identity- and, broader, ethnicity-based conflicts targeting particularly the institutions of the state which fail to provide equality in access to education for speakers of languages without formal recognition.

The relationship captures not only the dyad of majority—non-dominant groups, it also encapsulates the disparities in rights and opportunities to native language education between different non-dominant groups with various levels of recognition. For these, different status recognition translates into competition for representation in public sphere, not cooperation in public life over joint objectives, such as equal representation of non-dominant linguistic communities' interests and shared rights to native language education.

What remains uncontested however, is that the support for native language education strengthens non-dominant groups' link with the state of residence; as such, states find it easier to deliver policies to 'captive audiences', populations habitually resident on their territories. Expanding access to education in non-dominant languages removes the link between cultural, social and economic *hierarchies* in institutional and institutionalised contexts, such as education, private employment, or public office. However, in the context of increasing individual mobility and aforementioned numbers of EU citizens alone residing outside of their nation-state, this objective of society integration around the core ethnic community is likely to focus mainly on the recognised non-dominant language groups at the expense of those with no recognition by 'their' state.

It appears therefore that the public policy approach currently in place relies heavily on status recognition of non-dominant languages in order to, later, support internal cohesion in non-dominant language communities via native language education. These experiences have had mixed and case-specific success across the wider Europe largely due to differences in group size, status and (history of) settlement in the state of residence.

Bolstering access to native language education for all of nation-states residents, and not only of some of its citizens recognised as national/ethnic/regional minorities, can thus act as a powerful tool for identification by non-dominant groups' with the polity that serves them well. Rather than implicitly encouraging the ethnopolitical mobilisation of non-dominant groups around the issue of language *non*-recognition, core institutions of the state that recognise and guarantee equality in access to education are likely to benefit from increased resident loyalty.

Opting for *revision of the status of state languages not as official (presuming state monolingualism)* but as *procedural language* might be the initial step for acknowledgement of factual language diversity in citizenry. Such procedural language would maintain its key role for individuals' participation in public life, engaging in economic activity and contributing to the welfare of society. It would also serve the strategic objective of nation-states ensuring their residents' view the state as arbiter of formal equality for all citizens affected. This would have a desired status shift of non-dominant languages and would increase value of their acquisition for both the members of the majority, as well as non-dominant groups while in education.

Second, removing the restriction on the use of other languages – possibly national/ethnic/regional in the first instance – when communicating with public authorities throughout the state would foster acceptance of the language diversity within state boundaries. Critically, removing penalties for inability or failure to communicate in state language when in public office, would be conducive to erosion of perceptions among non-dominant groups being 'second class citizens', largely not as a result of their own, but of the education system neglect and likely underfunding by the nationalising state of integration efforts.

Third, offering education in non-dominant languages – and where possible encouraging their use outside the classroom – for all members of society is important to facilitate functional integration of all residents into political, economic and social life at their place of residence in several languages used locally in addition to procedural, i.e. dominant language.

Finally, whereas as a rule, designation of official as well as minority languages of and by nation-states serves the purpose of ethnonational cohesion of these nation-states, *moving away from designation of any languages as official might prove the ultimate incentive for greater engagement with non-dominant languages* for all citizens of the state. The innate link assumed between the state and the ethnic majority of that country appears to be little more than the ideal view of monolingual

states, whereas auxiliary languages are already regularly used to facilitate state bureaucracies performing their duties and fulfilling their obligations to citizens unable to speak state language. Putting no language above any other would relieve minorities of the pressure to 'become like the majority' in order to participate in political, economic, social and public life of states where they are resident; it would also in the medium run discourage inadvertent assimilation.

Such steps reflect the instrumental view underpinning provisions for education in the state language already, and are part and parcel of minority education in place across the board of European states members of the EU as well as CoE. The existence of 'divided nations' and communities engaged in short-term migration would deliver an early uptake of such revisions; it would additionally be an easily deliverable in the light of – in the EU at least – formal equality of EU citizens enjoying the freedom of movement.

In the light of the conflict potential linked to and mobilised when underlining the grievances of non-dominant language speakers, removing the barriers to equal status in education and inclusion of *at least* the languages already recognised by nation-states as national/ethnic/regional minority languages would deliver a clear indication of states' commitment to equality of all their citizens. This would in the short run showcase states' respective goal to promote multilingualism of their populations without necessarily extensive commitment to developing novel legislative frameworks or education infrastructure beyond what is already available for dominant language communities.

Removing restrictions on the use of other languages for administrative purposes would additionally encourage nation-states to offer provisions for continuous learning of non-dominant languages from primary to tertiary education as a midterm policy aspiration. While simultaneously engaging in language policy planning as part of states' priority involving dual track via education policies and tackling challenges of contemporary labour market requirements would improve the delivery of thoroughgoing quality education in non-dominant languages in the long term.