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ANNUAL LECTURE

'Minority Languages in the New Europe - a bit of a headache for those who believe in order?'

by Emyr Lewis

Cymdeithas y Cyfreithwyr
The Law Society

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Biography - Emyr Lewis

Emyr Lewis was born in London but grew up in Cardiff. He was educated at Ysgol Gyfun Rhydfelen and then spent three years studying English at Cambridge University. He then moved on to the University of Wales Aberystwyth, where he graduated in Law.

He trained as a pupil with Graham Jones (himself now a Judge) at Morgan Bruce & Nicholas in Cardiff. He has continued to work for the firm" offices in Pontypridd, Porth, Swansea and Cardiff since qualifying fifteen years ago, and is now a Partner in the practice, which has now become Morgan Cole. He specialises in Public Law and Commercial Law with particular emphasis in the fields of information technology and the media. He is the United Kingdom's representative on the Committee of Experts with responsibility for monitoring the European Council's Charter for Regional or Minority Languages. He is also a member of the University of Wales Aberystwyth Scrutiny Committee. He lives in Craigcefnparc and is married with three children. He won the Chair at the National Eisteddfod in 1994 and the Crown in 1998.

'Minority languages in the new Europe - a bit of a headache for those who believe in order?'

In the first place may I thank the Law Society for the opportunity of speaking here today.

I'm not sure, though, whether "thank" is the right word, since this is the one week during the year when I am able to take off the cloak of being a lawyer, and also perhaps to take off the mask.

My subject is the situation of Europe's minority languages under international law, and in particular the European Charter for Regional and Minority Languages.

I see this occasion as a kind of opportunity to report back as it were. I was privileged to be appointed in October 2001 as the first United Kingdom member on the Council of Europe's committee of experts which monitors how state parties fulfil their international legal obligations under the Charter.

One of the things which has struck me during that period is how little is known here in Wales, even amongst Welsh speakers, about these international laws. Perhaps this shouldn't be a surprise, since it was only relatively recently (on the 27th of March 2001) that the British Government ratified the Charter, as a result of the historic Good Friday agreement. One must admit also, that there has been comparatively little interest in International law on the ground in Wales, even amongst those who have been campaigning publicly or working quietly, in order to improve the position of the Welsh language. This, also, is not surprising, since the pragmatic way of achieving things is to persuade those authorities which have the power (as well as the responsibility) to do things practically on the ground.

But things have changed. This year, newspapers and news programmes have been full of stories relating to international law; the legality of the US and the UK's attack on Iraq, the wall which Israel has erected on the occupied territories and the minutiae of Europe's new constitution. In this context, we should remember that international law does not only regulate the relationships between states and each other. It also establishes standards for the ways in which states behave toward people, whether they be citizens of those states or not.

It is international law of this sort which has been the foundation of the concept of Human Rights, from the Geneva Convention to the European Convention for Human Rights.

The focus of classic international law is states, and similar entities. These are the "legal persons" in the field of classic international law. These are the persons who have rights such as territorial rights, rights of sovereignty, the right to make international agreements

and so on, in the same ways as we as individuals have similar rights under domestic law. States also have obligations to each other, to their citizens and to other people.

The big difference, of course, is that states are not natural persons. They are entities which have been created by social, political, religious, historical and (predominantly) military processes. Another significant feature of states is that they are not stable entities. If we look at the map of Europe 20 years ago, and the map of Europe this year we can see that several new states have appeared, or reappeared, each with its own international legal personality.

Despite these features, or perhaps because of them, the tendency of the nation states which came into existence in Europe in the 19th and 20th Centuries was to operate as if they were natural, stable phenomena rather than artificial creations. Generalising is a dangerous thing, of course, but I believe that it is fair to say that most of the current and historical states in Europe were built on a myth of national unity, which hid the complexity and variety of the lives of the people who lived within their territories.

Where such a myth is at work, it tends to hide the existence of groups which do not correspond to the alleged characteristics of that national unity, be they adherence to a particular religion or loyalty to a particular leader.

One need hardly tell this audience that one of the main areas where groups within the state can be different from the expected norm of national unity is the area of language.

Once again it is dangerous to generalise, but it appears to me that the driving force behind the policy of European States towards minority languages within their boundaries during the past century and a half has been the desire to assimilate.

From the point of view of the technocrat within the power structures of those states, one can understand this. Keeping control of people is much easier if they speak the same language as you do. What is interesting is that this policy can be seen at work historically in democratic and liberal welfare states as well as in totalitarian states, although the mechanism is of course far less oppressive.

Here, for example, is what two specialists on the situation in the Scandinavian countries have to say about that process:
"... many minority members and local communities accepted assimilation, assuming that the new way of life required it. Minority culture appeared to them to be associated with an outdated way of life, with poverty and the inequality of the class society, whereas the building of the welfare state was seen as belonging to majority culture. Assimilation was at this stage seen as emancipation, because the Nordic "democracy" was implemented in such a way that the assimilation of ethnic groups was seen as making all members of "primitive" cultures equal. Part of this assimilation was the letting go of minority

languages and culture and the shifting of identity; multilingualism was considered harmful; monolingualism of state and people was idealised. Thus the nationalism of the nation-state and the development optimism of modernisation became intertwined, so that many people, as their lifestyles gradually became more modern, shifted both language and ethnic identity".

And it can be said that this policy of assimilation has succeeded in several areas.

But nevertheless, several of those traditional minority language still exist and are still spoken, and a tendency has developed to question the self satisfied and self important world view which is the foundation of the myth of "national unity".

There is another stream in international law, a stream which is sometimes clear, and sometimes difficult to perceive, because it does not keep to the familiar channels of classic international law. This stream has to do not with the relationship between states and each other, nor between states and individuals as such, but between states and groups of individuals or minorities. Such groups do not always have a clear status as separate entities under international law.

This stream has tended to run together with the tendency to question the myth of national unity.

There are several reasons for this. One can point at the collapse of Empires, and the immigration of people from previously colonised territories. One can point at the atrocities of the Nazi project to create a pure nation by eliminating minorities. One can point also to new philosophies and ideologies such as anti-globalisation, multiculturalism and of course the adherence to Human Rights, which in several ways run counter to the process of assimilation to which I have referred. It is in this context that international law in the field of minority protection has developed.

The laws which protect minorities are founded on the principles of international law: freedom of opinion and of speech, freedom of assembly, the right to individual dignity and the right to private life without interference from the state. As the UN International Covenant on Civil and Political Rights puts it: "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 the other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language."

But there is another ideology that has had a strong influence in this field in Europe, namely the ideology of European heritage. This is not a philosophy whose foundations are firm nor whose principles are clear, but it is a powerful and important one. The idea that Europe's people have a common heritage is an essential part of ensuring co-operation between Europe's people, in order to protect us from wars and bloodshed.

Since so much warring and bloodshed within Europe has happened as a result of oppressing minorities or as a result of the attempts of minorities to escape oppression, one cannot deal with the concept of "European Heritage" simply on the basis of the monolithic "official" heritage of Europe's sovereign states.

This, in a sense, is the starting point of the European Charter for Regional and Minority Languages. The vision behind it is that sovereignty does not mean the same as uniformity, and that it is possible to reconcile sovereignty with variety within the state.

Adherence to the Charter means that a state must recognise the traditional minority languages spoken within its territory as part of the heritage of that state and of the whole of Europe, as well as being the heritage of those people who speak those languages. In other words, giving dignity to those languages. If the new European political contract is that all of Europe's people, despite their differences, share the same European heritage and merit the same dignity, then this is true for Europe's traditional minority languages as well as for the many official, majority state languages.

For some states this is a big problem. Take France for example. Even though France has signed the Charter, and even though the Council of Europe meets within her borders, France has not ratified the Charter.

(I should explain at this point that signing the Charter is not the same as ratifying it. The Charter does not bind the state in international law until it has been ratified by that State through a formal instrument of ratification.

In France, as we know, there are several regional and minority languages which have been spoken traditionally for hundreds or thousands of years. As I understand it, the main reason that France has not ratified the Charter is the provision in the French constitution which says that French is the only official language of the State. It appears that France's constitutional court has ruled that France is unable to ratify the Charter since that would be contrary to the constitution. It would be necessary to amend the constitution in order to bring that about.

The irony of the situation is enhanced by the way in which the French polity promotes the French language in such a firm and public way, where other states and their representatives are more prepared to acknowledge and use English. I must doff my hat to the dignity and polite persistence of France's politicians and diplomats in insisting that they use the French languages on international public occasions. At the same time, France has not ratified the international Charter which would give her own citizens, whose mother tongue is not French, that very dignity in their dealings with the state.

Forgive me for chasing so many philosophical hares in a legal lecture. The solicitor's

profession is, after all, a practical, pragmatic profession. Nevertheless, it pays us from time to time to take a look at these broader considerations, since it is essential for us sometimes to justify what we do not only on the basis of pragmatism, but also on the basis of principles.
How many times, while pleading the case of the Welsh Language, have we faced the question from others within our profession "but what is the point?". It is not easy always to justify to the crew of intelligent cynics, of which we form a part, the basis on which a person who is completely literate in English should have the right to correspond in Welsh with the authorities, or to insist on presenting a case before a magistrates' court in Welsh. In the practical, solicitors' world, it is difficult to find answers to these questions. Efficiency and order are what is required. A minority language is sometimes a bit of nuisance for those who believe in order. If, however, we raise our eyes beyond the requirements of efficiency and order and start to consider some of the themes that I have touched on so far, we can start to equip ourselves to answer that question "What is the point?".

These themes are to be found clearly in the preamble to the Charter. Here are the main paragraphs:

"considering that the aim of the Council of Europe is to achieve a greater unity between its members, particularly for the purpose of safeguarding and realising the ideals and principles which are their common heritage;
"considering that the protection of the historical regional or minority languages of Europe, some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions;

"considering that the right to use a regional or minority language in private or public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political rights and according the spirit of the Council of Europe Convention for the Protection of human Rights and fundamental freedoms;

"stressing the value of interculturalism and multilingualism..."

"realising that the protection and promotion of regional and minority languages in the different countries and regions of Europe represent an important contribution to the building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity".

Here, in a sense, is the spirit of the Charter. It is important to preserve the cultural diversity of Europe through protecting its smaller languages. This contributes to European unity, it safeguards human rights and it promotes cultural diversity and conservation.

There are plenty of principles here which I and, I am sure, others in this room, would consider to be "self-evident" (in the words of the authors of the American constitution), but we cannot expect everyone to share these principles. Even the greatest of pragmatic cynics, however, can see that it makes more sense to create peace and harmony between linguistic groups than it does to promote instability by feeding hostility.

That's enough philosophising. I shall now turn to the Charter itself, how it works as a legal document and what measures are in it in order to promote and protect minority languages.

The Charter is a convention of the Council of Europe. It is an international document which binds those states which have ratified it. The Charter does not create rights for individuals as such. In this respect it is different, for example, to the European Convention on Human Rights. There is no court of law in Strasbourg that we can turn to to complain that our state has infringed our rights as individuals under the Charter.

Having said that, however, it is important to bear three points in mind:

Firstly it is a principle that domestic law should conform with international law . A state may not operate in a way which is contrary to the Charter, if it has ratified it. Now, in the UK this is problematic because of the strength of the concept of Parliamentary sovereignty. We are all familiar with the way in which even Human Rights under the European Convention are subsidiary to Acts of Parliament under the Human Rights Act. Even in this context, however, it is fair to argue that it would be unlawful under UK domestic law for a public authority apart from Parliament to operate in a manner which was contrary to the Charter, unless it had no choice but to do so in order to carry out its statutory duties. In other words, if there are two ways of doing something, the one in conformance with the Charter, and the other not, the former must be chosen.

Secondly, the Charter contains "normative" laws. Its purpose is to create an international norm as to how States treat traditional regional and minority languages. The emphasis is as much on promoting and protecting those languages as something which is in itself valuable, as it is on creating rights for speakers.

Thirdly, it is not possible to give effect to several of the measures in the Charter without creating a situation where people who wish to use a minority language either have formal legal rights (de jure) or rights for all practical purposes (de facto). One example is in the field of education, as we shall see.

The Charter was adopted as a convention by the Council of Ministers of the Council of Europe on the 25th June 1992. Several states signed the Charter, including the UK, but it was some time before a sufficient number of states had ratified the Charter so that it

came into force. Five states needed to ratify the Charter, and we all owe a debt of honour to the principality of Liechtenstein for ratifying the Charter and thereby ensuring that the Charter came into effect. There are no traditional minority languages in Liechtenstein, it seems, but nevertheless Liechtenstein's member on the Committee of Experts, Franz-Xavier Goop, is one of its leading lights, and has done excellent work from the Netherlands to Armenia.

By now 17 states have ratified the Charter and the number is increasing. Perhaps one of the most unexpected gaps is the Irish Government. As I understand it, the Irish Government is concerned that recognising Irish as a minority language might undermine the status of that language as an official language in Ireland. While I respect this sentiment, it needs to be borne in mind that at least one other state which has a minority official language, namely Finland, has ratified the Charter in respect of a minority official language, namely Swedish. (I also take the view that having an expert in the field of minority languages from Ireland would be a great benefit to the work of the committee of experts throughout Europe.)

As mentioned previously, the Charter has been designed to protect and promote regional or minority languages. What exactly are these? The Charter defines regional and minority languages as languages which are 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. They must also be different from the official languages of the state.

There are therefore five elements in the definition. Firstly, they must be languages traditionally used. What is needed in order to create a tradition? How long does the language have to exist within a territory before it becomes a traditional language in that territory?

Secondly, the languages must be used within a specific territory in the state. Once more, difficult questions can arise here, in terms of defining territories where languages are traditionally used. In many central European states in particular, the legal regime looks at the percentage of speakers in each municipality, in order to determine whether it is a monolingual or bilingual municipality.

Thirdly the language must be one which is spoken traditionally by citizens of the state. Languages of groups which include only people who are not citizens of the state do not come within the definition.

The fourth element of the definition is that the group must be smaller in number than the rest of the population of the state.

The fifth element is that the language must be different from the official language of the state. Having said that, states are permitted to ratify the Charter in respect of official

languages which are minority languages (such as the example mentioned above of Swedish in Finland).

The complexity increases when one takes into account that dialects of official languages are not protected. This creates particular difficulties where there is a linguistic continuum, that is to say in those areas where different members of the same language family exist next to one another. For example, there is a type of Scandinavian language called SkDnsk, which is spoken in southern Sweden. Linguistically, it is closer to Danish than it is to Swedish. The Swedish government, however, does not recognise it as a separate language, but as a dialect of Swedish. Compare this with the situation of Platt-Deutsch or Low-German. This variant is spoken in large parts of Germany and it is commonly considered to be a corrupt version of Hoch-Deutsch or High-German, as a dialect of the "standard" language. The fact is that Platt-Deutsch has a literary, political and legal history and tradition, but that it disappeared as an official language under the influence of Hoch-Deutsch. Nevertheless, the German Federal Republic has recognised Platt-Deutsch as a minority language which should be protected under the Charter.
The old definition of language is "a dialect with an army". Perhaps in this age we should say that it is a dialect with a TV service, newspapers, a civil service, and a legal system.

Further complexity arises form the fact that the languages of migrants are not protected. When does the language of migrants become a language which is spoken traditionally within a territory? We are all, after all, migrants if we look far enough back in history. Even the language of the Cymry in the Island of the Mighty is language which settled here after our forefathers migrated here millennia ago. What, for example, is the situation as the former Yugoslavia is reconstituted as a number of independent states? There was internal migration within the old Yugoslavia. Are languages such as Serbian, Croatian, and Bosnian which are spoken in Slovenia minority languages in that state? What is the situation of Finnish in Stockholm or Welsh in London or Liverpool? These languages have been traditionally spoken there for generations.

As you can imagine, unravelling these questions involves a combination of legal, linguistic, political and historical considerations, and frequently there are no easy answers.

The Charter also requires states to protect and promote "non-territorial" languages, that is to say languages which do not belong traditionally to any territory within the state. The classic examples are Romany and also Yiddish, whose speakers have suffered so much oppression over the centuries within Europe.

How then does the Charter set about protecting these languages? What sort of measures are the states required to implement?

Parts II and III of the Charters contains these provisions.

Part II operates in respect of all the regional and minority languages within a state. The state has no choice but to implement these provisions.

The states must base their policies, legislation and practices on certain specific objectives and principles intended to promote and protect the languages. They must do this within the territories where these languages are used and "according to the situation of each language". In other words, the states have an element or discretion or "margin of appreciation".

The objectives that states are required to promote include:
"the recognition of the regional or minority languages as an expression of cultural wealth" and
"the need for resolute action to promote regional or minority languages in order to safeguard them."

In Part II there is also a provision which obliges the states to eradicate any discrimination in relation to the use of minority languages. This provision emphasises that the adoption of special measures in order to promote equality between the users of minority languages and the rest of the population is not to be considered as discrimination against users of majority languages. In other words, it accepts the principle that it is necessary to take positive measures in order to achieve a balance between the one group and the other.

Another provision in part II is an undertaking to promote mutual understanding between all the linguistic groups of the state and in particular to include respect understanding and tolerance in relation to regional and minority languages amongst the objectives of education, and also to encourage the mass media to pursue the same objectives.

This reflects the tendency amongst majority language speakers to be ignorant about the situation (and sometimes even the existence) of minority languages. In many states in Europe, school children now learn about the other languages of the state, their history and their current situation. The hope is that this creates tolerance and mutual understanding. We can a see a similar process starting to happen with Wales, Northern Ireland and Scotland, and there is hope of some development in this field in England.

Finally in Part II, states are obliged, in setting their policies in relation to minority languages, to consider the needs and wishes of the groups who use the languages. States are encouraged to establish bodies in order to advise the authorities on matters relating to minority languages.

As I have said, part II of the Charter contains general provisions. Part III of the Charter creates a framework for specific measures in relation to specific languages.

In ratifying the Charter, states can specify, in the instrument of ratification, those

languages which they intend specifically to protect under part III.

Part III contains seven articles which deal with the following matters:
Education
Judicial authorities
Administrative authorities and public services
Media
Cultural activities and facilities
Economic and social life
Cross-frontier exchanges

Each article within part III contains paragraphs and sub-paragraphs and in each one of these there are specific undertakings, that is to say promises which the states make. From amongst these undertakings, states must chose 35 undertakings in relation to each language which is named by the state in its instrument of ratification. At least three undertakings must be chosen relating to education and relating to culture, and at least one from all the other undertakings (other than the undertaking which relates to trans-frontier exchanges).

For instance, article 8(1) relates to education within the territory where the minority language is used. There are several sub-paragraphs within this article which are relevant to different aspects of education: pre-school education, primary education, secondary education, technical and vocational training etc. The state can chose any number of these in respect of any particular language. For example the state can chose in relation to one specific language that it will give undertakings only at the pre-school and primary level.

Most of these sub-paragraphs then have sub-sub-paragraphs which offer a choice in relation to the level of undertaking.

For instance article 8(1)(b) relates to primary education. It offers different levels of undertaking. At one end, there is the undertaking chosen in respect of the Welsh language, namely to make available primary education in the minority language. Next is an undertaking to make available a substantial part of primary education, next is to provide within primary education the teaching of the relevant language as an integral part of the curriculum, and finally (and as the weakest choice) the state can choose any one of the previous measures for those pupils whose families so request and whose number is considered sufficient.

Legal academics who have analysed the way in which states have ratified the Charter have suggested that states make choices which correspond to what they are already doing in the minority language field. It has been suggested, for instance, in relation to Scottish Gaelic and to Irish that the undertakings chosen in the field of judicial authority are weak, and it certainly appears peculiar to someone who has become accustomed to the concept that

one is free (at least on the Statute book) to use Welsh in court cases, that the same freedom does not exist in relation to our Celtic sister languages.

I have emphasised in this lecture that the Charter does not create rights for individuals as such. In some peculiar way, what it does is create rights for languages. Having said that, however, some of the undertakings under the Charter of necessity create a right of some kind.

It is impossible, for example, to implement the undertaking which means that someone can use a minority language in a Court of Law without creating a formal right of that type on the statute book.

In this context, one can see how minority language rights differ in quality from classic human rights.

Under classic human rights law, a person has the right to understand what is happening in a case. If the individual understands the official language of the Court, that is sufficient in order to protect his or her human rights, for example under Article 6 of the European Convention. If the person does not understand the language of the Court, then he or she has the right to a translator. Minority language rights go beyond this. They allow the right to use the minority language in a Court, whether the individual understands the official language of the Court or not.

I would like to mention quickly what the United Kingdom has done in ratifying the Charter.

The languages protected under part III of the Charter are Welsh, where 52 undertakings have been chosen, Scottish Gaelic, 39 undertakings and Irish, 36 undertakings.

The United Kingdom has also declared that it recognises Cornish, Scots and Ulster-Scots as minority languages protected under Part II of the Charter. Scots and Ulster Scots are particularly interesting since they are, like Platt-Deutsch, languages which have the same origin as the majority official language (in this case the Germanic language, English), but which are considered to be debased and low status versions of the English language. Under the Charter, there is a hope to resurrect the dignity and pride of these ancient languages.

In implementing the Charter, it is one thing to have a right on the statute book. The important thing however is practical implementation. In looking at how individual states implement the Charter, the emphasis of the committee of experts is on what they do practically in order to promote and protect regional and minority languages.

Implementing the Charter is the responsibility of the state under international law.

Frequently, however, within the state the responsibility is delegated or devolved to regional or local authorities. This can be an advantage. It means that policies which meet the needs of languages are created close to home in a democratic way. Where there is goodwill towards the minority languages at the regional or local level, progress can happen relatively swiftly.

Delegation or devolution can, however, have a negative effect under certain circumstances. Sometimes, for instance, the central authorities do not pay enough attention to what is happening at the local level, and frequently they do not understand the situation. This can mean that not enough resources are dedicated in order to meet the needs of the Charter, and in some cases ill will at the local level towards minorities can frustrate the practical implementation of the Charter.

The key to this is for the state to recognise that it is its responsibility under international law to implement the Charter and if things aren't going well locally, that the state should promote arrangements which enable implementation.

This emphasis on practical implementation brings us back to a point which I mentioned earlier in relation to rights. I said that certain undertakings involve creating a formal right on the statute book. In respect of other undertakings, it is not necessary to create a formal right in order to ensure compliance.

Implementing the Charter in the field of education, for example, does not mean that it is necessary to have a formal statutory right, to Welsh Medium education for example. Having said that, however, the undertakings which the United Kingdom has chosen under the Charter place an obligation on the State to ensure that Welsh medium education is available for everyone in Wales at the pre-school, primary and secondary level. So long as the authorities implement these undertakings practically, Welsh medium education is available as a matter of fact for everyone, even if no formal right exists on the statute book. In other words, it would be possible to implement the requirements of the Charter through showing that Welsh medium education is available to all children in Wales. If the practical arrangements ensure that, then there is no need to look to see whether there is a legal right. If, on the other hand, the practical arrangements do not ensure this, then there is a need to look to see whether there is, after all, a need for a formal right.

I would like to say something about the monitoring process.

Within one year of ratifying the Charter, the state must prepare a thorough report which explains how it is implementing the requirements of the Charter. Then, every three years, a further report must be provided. This is a tight timescale in the field of monitoring international conventions of this sort. For example, the monitoring cycle in respect of the European Framework Convention for the Protection of National Minorities is six years.

Part of the reason for this is the recognition that several languages are in danger that there is a need for constant monitoring in order to see what progress is being made within the states.

The committee of experts considers these reports then it prepares a list of questions for the authorities, before a delegation makes a visit in order to question the authorities further and in order to discuss with representatives of the people who speak the minority languages.

One cannot over emphasise the importance of the representatives of minority languages speakers in the monitoring work. The state is required to work with non-governmental organisations (NGOs) and the monitoring process depends heavily on the observations of these representatives. This is part of the emphasis which the Council of Europe places on ensuring that civil society plays its part, and has the opportunity of playing its part, openly and freely within the governance processes of European states.

The next step in the process is for the Committee of Experts to prepare a report to present to the Council of ministers of the Council of Europe. These reports are substantial documents, containing a description of the situation, and review on a language by language and undertaking by undertaking basis of how the states adhere to their obligations. They include several suggestions and recommendations and at the end proposals for principal recommendations. The committee of Ministers is then able to accept these principal recommendations as formal recommendations to the State.

I can imagine some people here today saying "well that's all very well. It helps to raise the profile and awareness of minority languages but speaking as a practical lawyer these international laws gave no teeth. There is no court where one can claim justice. Like every international obligation, this is a convention and there is no way, ultimately, to enforce it if the state fails to comply with its requirements."

Well this is a fair comment. The traditional way of enforcing international law, through sanctions or military intervention, will, of course, not be appropriate in this field. Considering they might be misses the point.

What ensures the success of the Charter is the fact that it exists at all; that the international community in Europe has recognised that part of protecting and promoting a civilised society and peace within Europe is ensuring that the traditional minority languages which have been ignored or oppressed for centuries get the appropriate dignity and status within the democratic framework of the states. That which ultimately makes Governments comply with the Charter is the fact that other states in Europe consider these things as being amongst those criteria which prove that your state is a civilised state.

The ways in which the United Kingdom fulfils its obligations towards he Welsh language

and the other native minority languages is a subject for another lecture. The committee of experts' report on the situation was published earlier this year, and you can get a copy of it from the Council of Europe's website . Not everything is perfect. Having said that however, it is clear that what has been achieved in Wales in particular, is an inspiration for the speakers of other minority languages, and is evidence it is possible to move from being marginalised and sneered upon to a situation where the language has an official status in everything but name. Yet we must take care not to be smug. We in Wales also have a lot to learn from the successes of other minorities. Legislation and law are a good start, but willpower and perseverance within the legislative and democratic framework are essential.

So, if I may be allowed once more to take off the legal cloak and mask at the end of my lecture, ultimately this is all dust unless we take advantage of the opportunities which we have; to ensure that our children receive Welsh medium education; that we use Welsh in our dealings with public bodies and with the authorities; that, whatever our politics; that we engage intelligently and actively in Welsh with the Welsh polity. In a way, our duty is to continue to be a bit of a nuisance for those who believe in order, to the extent that those people see monolingualism as the basis of that order; because, friends, that order is not the order of the new Europe.

Thank you very much