The Actual Proposal of the «Frisian Language Law in Administration» in the Perspective of the Unifying Europe

Alex M. J. Riemersma,
Staff-member of the Berie Foar It Frysk
(Frisian Language Advisory Board)

Introduction

On March 12 of this year the Dutch Cabinet accepted a Bill proposed by the Secretary of State of Home Affairs on the use of the «Frisian language in government and administration». Now the Cabinet will first ask advice from the Nacional Advice Board on Home Affairs and, through the provincial government of Friesland, from the Berie Foar It Frysk, the Frisian Language Advisory Board (of which Auke van der Goot and I are the two staff-members). Following the advices, the proposal will have at least two readings in Parliament (House of Commons and Senate) before being passed. The Law will not be in force until 1994.

In this communication paper I will give you a short insight in the historical background, the content and the effects of the proposed «Frisian language law».

1. The Proposal of the Language Law as a Step Forward in the Process of the Acknowledgment of the Frisian Language in the Netherlands

At the end of the Middle Ages (about 1500) Friesland lost its independence. It became part of the Dutch United Provinces, and after Napoleon (from 1813), it became one of the twelve provinces of the Kingdom of the Netherlands. By consequence, the Frisian language lost its function for Governmental Administration and Jurisdiction. During more than 400 years laws and official documents with regard to Friesland were written only in Dutch.

Nowadays the population of the region numbers about 600,000. A majority of the population can speak the Frisian language; over 90 percent can understand it. As a daily language and as a mother-tongue, Frisian is spoken by about 55 percent. Frisian literacy is much weaker: 65 percent can read Frisian, only 10 percent claim to be fluent in writing Frisian.

The revitalisation and emancipation of the Frisian language started in the second half of the 19th century, the period of Romanticism, in the field of literature.

From the start of the 20th century, the Frisian Movement started the discussion about the oral and written use of the language in the heart of democracy, that is to say in meetings of the Provincial Assembly and in meetings of the Community Councils as well. Before the Second World War, sessions of the Provincial Assembly and the council meetings were conducted
wholly in Dutch. Frisian speaking members could expect to be called to order, the Dutch-speaking order, of course.

It has to be noted, that the legal status of Frisian in public administration has not been defined until now. But in practice, after the Second World War, Frisian has won a modest legal status in Administration, in Jurisdiction and in the Education Laws.

In primary education and teacher training, Frisian has been a compulsory subject from 1980. Frisian will be a compulsory subject in secondary education from 1993. Frisian is permitted as a medium of instruction in primary education and special education explicitly. Implicitly, the use of Frisian as a medium is permitted in secondary and higher education.

In the field of jurisdiction, from 1956 on everybody is permitted to use the Frisian language to swear the oath and to communicate orally with judges. But, a translation into Dutch is prescribed of all written declarations, official reports, acts and deeds of association and conveyance written in Frisian, and only the text in Dutch has legal status.

It is expected that this situation will change in the near future. The Dutch Minister of Justice has announced the publication of the report of the Joint Committee of Frisian and Dutch experts on Jurisdiction in Frisian next month.

In Administration, Frisian is used orally very frequently. In 1953, the Dutch Government by means of an official letter of the Cabinet declared, that all official documents should be written in Dutch, but that they might be accompanied by a Frisian translation.

Because the Frisian language is rather easy to understand and rather easy to read for Dutch-speaking people, the province and various municipalities decided to have their documents published either in Frisian or in Dutch only. By way of exception, official texts were published in both a Dutch and a Frisian version.

Since 1984 the province and the municipalities have a statutory right to change official place-names and street-names into Frisian. In fact, the province and most of the municipalities use both the Frisian and the Dutch place-name on their signs. However, in that case only the Dutch place-name has legal status. Moreover, it is defined in the Electoral Law, that the use of Frisian place-names on ballot-papers is permitted.

One might conclude, that in practice the Frisian language has been in use in local government for a couple of decades and that, as such, Frisian has already regained the function of a regional official language.

However, it was not until the 1980s, that the Central Government intended to revise their opinion on this topic.

In 1989, central and provincial government agreed on a joint policy paper, the Covenant on Frisian Language and Culture, which includes paragraphs on the use of the Frisian language, both in Administration and in the Court of Justice. The Covenant further concerns measures in the fields of education and cultural affairs.

In itself, the Covenant has no legal status.

Because the Dutch Council of State held that the measures of the 1989 Covenant are inconsistent with the national Constitution, it became a legal necessity to make into law the language policy of the 1989 Covenant. Thus, from a legal point of view, the passing of the law is of great importance for further jurisdiction. Of course, from the perspective of language planning in Friesland, the law is also of great importance.
2. Contents and Effects of the «Frisian Language Law»

The proposed language law permits the residents of the province and corporate bodies to use the Frisian language both in oral and written contacts with the authorities operating in the province. This includes the provincial government itself, local councils, polder-boards, and the services of central government located in the province.

The authorities who want to make use of the possibilities created by this language Bill, have to conceive and make into law a proclamation on their language policy, and ask permission from the Minister of Home Affairs. Official documents of importance for authorities outside the province and documents with prescriptions have to be translated into Dutch.

Dutch-speaking residents of the province can always ask for or buy a translation of texts and official documents of personal importance.

One might conclude, that in theory the law creates more possibilities for the use of the Frisian language on the one Hand, but that ,on the other hand, these measures of the proposed language Bill only have a limited effect.

In fact, the proposed Bill is the codification of the Letter of the Dutch Cabinet of 1953, and of the ideas and measures on the use of Frisian in Administration, stated in the 1989 Covenant.

However, this proposal will prove to be insufficient, as long as the Government does not officially acknowledge the Frisian language as the second official language of the Netherlands, and, by consequence, the official bilingual status of the province of Friesland.

There is some reason to expect and to hope, that the Dutch Government will acknowledge this desired official status of the Frisian language in the future.

The explanatory letter on the actual Bill comes to the conclusion that the Frisians may be seen as a linguistic minority, according to the definition of a linguistic minority as a « separate or distinct group, well-defined and long-established on the territory of the state » (art. 27 of the International Covenant on civil and political rights). This conclusion —if accepted by Parliament— means a further step forward in the process of the acknowledgment of the Frisian language as an official regional and national language, and the acknowledgment of Friesland as a bilingual province of the Netherlands.

This statement puts the issue in the right international perspective.

3. The Frisian Language Law in European Perspective

The European political climate towards the position of the autochthonous minority languages has improved considerably in the last decade.

There is no need to mention to this audience the Resolutions accepted by the European Parliament in the 1980s, nor the actual Charter on Minority Languages of the Council of Europe.

As a consequence of the European integration and the strengthening of the national languages in the various Member States, a discussion has also started in the Dutch Parliament on the question whether the Dutch language should be defined in the Constitution and further legislation as the only official language of the Kingdom.

Since the Dutch are a nation of businessmen, they consider their own language only as a me-
diurn of communication, not as a part of their cultural heritage. Language and language-use may as easily be exchanged as money. This explains not only why Dutchmen are relatively fluent in foreign languages, but also why the Dutch people reject the Frisian claims on language rights which are quite modest from an international point of view.

But, as I said before, there is some reason for optimism. In October last, the Dutch Cabinet wrote in an official letter to the Parliament, that the position and function of the Dutch language in legislation and administration is a matter of self-evidence. That is why the Cabinet refused to establish the position and function of the Dutch language in the Constitution. They added in the above letter, that any measure in favour of the protection of the Dutch language in formal legislation or even in the Constitution, should be accompanied by a legal exception, in view of the position of Frisian, the Cabinet rejected explicitly, that the position of Dutch in view of the international development would be strengthened at the cost of the well-accepted policy towards the growing position of the Frisian language in Administration.

The conclusion of the Frisian Language Advisory Board is, that the realisation of Frisian language rights should take advantage of the actual discussions in Europe on the legal status both of the various national languages and of the minority languages. That is why the issue needs European support, as formulated in the Charter of the Council of Europe on Minority Languages and in the clauses on culture and education of the New Treaty of the European Community.

The ratification process of both the Charter of the Council of Europe and of the Treaty of the European Community has already started and will come to an end in the near future. It would be of the greatest importance for all autochthonous minority languages in this unifying Europe, if the European Bureau for Lesser Used Languages (EBLUL) could coordinate the contributions of the some forty Lesser used Languages within the European Community, and stimulate the discussion in the National Parliaments of the various Member States of the European Community and of the Council of Europe as well.