

Final Considerations

Euskal Herria is a nation whose territory is divided between two states, the Spanish Monarchy's and the French Republic's. This fact, as in many other European nations (Catalonia, Ireland, Lapland, Moldova, Tyrol) included in these plurinational states, has obvious political, social, economic as well as cultural consequences.

Basque is a basic element of the Basque people's national personality. It is an instrument of communication and integration and social cohesion for citizens and the Basque Country's territories. Basque is a bond between all territories where it is their own language, forming a linguistic community on which the Basque national identity is based. It is the Basque Country's own language, an element that characterizes and makes our community special.

Basque has always been Euskal Herria's language. Nevertheless, from a legal perspective, the legal status of the Basque language is heterogeneous. Heterogeneity of situations and legal regimes that go from *Iparralde's*¹ lack of legal recognition, through the establishment of three linguistic zones in Navarre, with different systems in each, to its recognition as a shared and joint official language with Spanish in the Basque Autonomous Community.

As a consequence of this division, the Basque language, spoken by less than a million speakers, is subject to six different administrations, six different realities for a single language and a single people. Following is a reflection of the different political wills of the ruling politicians of said districts:

1. The Basque Autonomous Community (BAC). The citizens of the BAC enjoy the basic linguistic rights outlined by the European Charter for Regional or Minority Languages. In any case, it is essential to point out that the co-official character that the Basque language holds in the BAC is not comparable to the Spanish language's: within the Spanish state as a whole, citizens have the right and not the duty to know the Spanish language while they

1. Name given to the Basque territories included in the French state after the Revolution of 1789 and which take in the previous Basque states of Lapurdi, Baxe Nafarroa and Zuberoa.

only enjoy the right to know the Basque language. Said another way, it is essential to know Spanish and only optional to know Basque, which converts all Basque language speakers into second-class citizens in their own country.

The double official status, which governs in the BAC, is of a formal legal nature, having to apply it in a context of unequal languages that can be explained by many factors. Equality of languages at a legal level between Basque and Spanish is affected by the true uneven position between them. By treating them as equal when the reality is that they are unequal, the danger is that the inequality can be perpetuated. The factors that could grant preference to the use of Basque in the BAC have not been developed with enough intensity, especially in the legal concept of “official language”. As in Catalonia, which has made use of the Catalan language a possibility in social and public spheres, without the detriment of the double official status of the languages and the linguistic rights tied to the concept of “linguistic officiality”. The sociolinguistic reality in the BAC is very different to Catalonia’s; nevertheless the preference to use the Basque language should be considered as a point of reference, it is essential to draft the mechanisms that make society’s greater linguistic integration possible, beginning with an education plan, and to activate that preference insofar as is possible (in those areas where the sociolinguistic reality permits it).

2. Foral Community of Navarre (CFN). The Basque language, declared (along with Spanish) an official language by Navarre is not actually official in the entire territory, but only in the “Basque-speaking zones” of the CFN. This division excessively limits the defining linguistic attributes of the territory. The co-official character of the Basque language is the same as it is in the BAC, which means that the linguistic rights of Basque speakers are equally limited. Unlike the BAC, the linguistic rights of CFN citizens are additionally reduced in accordance with the zone in which they reside. By virtue of the geographic area of the speakers, their linguistic rights will be protected, simply respected or refused. In fact, within the CFN, a community of approximately 600,000 inhabitants, the Basque language is subjected to three different linguistic realities:

- “Basque-speaking” zone. In the “Basque-speaking” zone, the citizens enjoy linguistic rights similar to BAC inhabitants, although with many limitations. For example, unlike the BAC, there is no television channel or radio station that covers all of Navarre. In general, we can say that, until now, the CFN authorities have not presented the zeal that the BAC authorities have in the promotion and protection of the Basque language in Navarre. As an example, we can say that the BAC’s government has subsidized and subsidizes many of the initiatives to promote Basque in the CFN, partially making up for the Government of Navarre’s apathy in this matter.

- “Mixed” zone. Linguistic rights of CFN citizens in the “mixed” zone are strongly curtailed, just as the First and Second Report presented by the Committee of Experts Council of Ministers of the Council of Europe.² In this sense, the rights of Basque-speakers in their relationships with public administrators are strongly limited. Pupil’s seats in public schools for education “in” Basque are very limited and year after year there is a large number of students who are denied their bilingual model selection because of a lack of available seats.
 - “Non Basque-speaking” zone. In CFN’s zone named “non-Basque-speaking”, the linguistic rights of citizens are simply not respected: the Basque language is simply excluded from the administration and the public education system. Basque does not exist from a political or legal point of view in the “non-Basque-speaking” zone.
3. French state. As in the CFN’s “non-Basque-speaking” zone, Basque, like the rest of the national languages in the French state, does not enjoy an official status. With the exception of the French language, no other language has its existence guaranteed in the French state, whose government has refused to sign the European Charter for Regional or Minority Languages. In 2008, the French Assembly proposed to make the various national languages of the state official, such as Basque, Breton, Catalan, Occitan and Corsican. Today, the public education system does not recognize the fundamental right of Basque citizens to receive their education entirely in the Basque language, but has made a mixed system possible; part of certain subjects are taught in Euskara, although very limited. The relationship with public administrations must obligatorily be carried out in French, marginalizing the use of Basque to circles apart from the public sphere.
 4. European Union. At a European level, Basque enjoys the status of a European Language but has been denied the character of an official community language, by which it has been excluded from the European Union’s administration. Basque-speaking European citizens also see their linguistic rights violated in this forum, though their rights are recognized through a system of document translation that must be financed and performed by the BAC administration.

To sum up we can say that only citizens from the BAC and, with many limitations, the citizens of the “Basque-speaking” zone of the CFN, today enjoy the linguistic rights that the European Charter for Regional or Minority Languages of the European Council prescribes. This fact has clearly marked a varied development of the language in the different areas we mentioned, which has a detrimental bearing on the language that is linked to the great internal inequality, which is the

2. First report of the Committee of Experts in respect of Spain, Council of Ministers of the Council of Europe, CM (2005) 128, 22nd August, 2005.

result of the progressively unequal sociolinguistic situation in each of the six districts mentioned above.

The effects of these divisions on linguistic liberties of citizens are many and quite detrimental. The basic right to use a country's own language should be guaranteed by democratic imperative. That linguistic liberty cannot be understood in a geographically limited or subordinate fashion, but universally. The division of zones violates, by its own definition, said universality. The fact is that it is unexplainable that the European Council has approved a Charter of linguistic rights for the entire European Union and that there are such varied realities and on occasion contrasts throughout the Union. It seems even paradoxical that while compliance of the European Charter of Languages and other international instruments in defence of national minorities are demanded as a condition to become a member of the European Union by candidate states (eastern and Balkan), those same international instruments are not fulfilled in the case of member states (as in the case of the French state).

What is even more inexplicable is the fact that a language, the Basque language, is subjected to six different legal realities against what is stated by the very European Charter for Regional or Minority Languages of the Council of Europe. What is missing is a political will that is more decisive in order to overcome the current situation of inequality and discrimination, and a greater commitment from state and European authorities. Seemingly, the only valid explanation for this fact is the lack of political will, or even, a reactive and aggressive linguistic policy which continues to consider linguistic diversity a negative factor from the state's perspective.

The impact of zone division has negative results in the educational system, and as a consequence, in the process of transmitting the language and in the administrative sphere. It creates social unease, a feeling of political unease and serious cultural regression. If the current zone system is not overcome, the linguistic rights of Basque citizens will continue to be impeded, limiting the natural development of the country's own language, with the resulting risk of the disappearance of one of Europe's oldest languages - one of the continent's greatest cultural treasures and living remains of the European past.

EDUCATION

Many factors have influenced the social situation of the Basque language, among them, the political persecution it suffered and the legal imposition of the use of French or Spanish that its speakers have suffered over several centuries. The construction of the French and Spanish states took place based on a legal and political standardization process. Linguistic diversity was considered a threatening factor for the so-called standardization process, organizing a linguistic policy of repression and marginalization of the peoples' own languages, among them Basque.

In this sense, the infringement of the Basque people's linguistic rights is an evident fact since the creation of the French state in 1789 and the Spanish state from 1839 to 1876. In the 20th century, during the thirty-nine years of General Francisco Franco's dictatorship (1936-1975), Basque was prohibited and excluded from all the state's public orders. Nevertheless, and despite the prohibition, the first clandestine *Ikastola*³ opened its doors in 1955 under the direction of Elvira Zipitria⁴ in Donostia-San Sebastián. This initiative was seconded by a multitude of parent groups who promoted *Ikastolas* in Bilbao (1957), Pamplona (1963), Vitoria (1966) and Bayonne (1969) in a cooperative fashion.

In 1969, another step was taken with the creation of the Gipuzkoako Ikastolen Elkarte (Federation of *Ikastolas* of Gipuzkoa), an organization created to unite the efforts of all existing *Ikastolas* (all illegal) that had to confront serious administrative problems and constant closings ordered by the authorities of the regime. In 1964, there were 596 students registered in the few illegal *Ikastolas* but their numbers grew rapidly, mainly from November 1975, after the dictator's death and the slow rise of democracy,

1964: 596 students.

1970: 8,255 students.

1980: 62,763 students.

1982: 66,541 students.

After General Franco's death on 22nd November 1975, *Ikastolas* went from being illegal to unregulated, since there were no regulations whatsoever that regulated their existence. After the approval of the Spanish state's constitution in 1978 and the basic regulations on the linguistic standardization in the BAC (Law 10/1982, dated 24th November, the use of Basque in standardized education) and in the CFN (regional law of the Basque language in Navarre), *Ikastolas* became legal centers for the first time.

Nevertheless, despite the evident advancements registered from the fall of the dictatorship up to the present day; despite the Spanish state's signature on the European Charter for Regional or Minority Languages of the European Council in 2001; despite article 8.2 of the European Charter on Languages, the commitment to authorize education "in" or "of" Basque can only be revitalized on the grounds of circumstances such as the number of people who demand it, but in no case because it is a "minority or regional language". Despite Basque being a co-official language in the northern area of the CFN since 1986 and despite article 27 of the Spanish constitution stating that citizens have the right to be educated in any of the official languages of their autonomous community, the CFN is divided into linguistic zones and Euskara is excluded from the public education

3. "*Ikastola*" in Euskara means "school" or, more specifically, a place where Euskara is used as the language of instruction for courses.

4. Elvira Zipitria was a teacher at the *Ikastola* Koruko Andra Mari in Gipuzkoa in 1944.

system in the so-called “non-Basque-speaking” zone, in which 31.16% of the CFN’s students⁵ are registered.

The three most serious effects on student rights of this zoning division include:

1. Infringement of the person’s fundamental rights by virtue of their place of residence in contradiction with the most elemental application of the principles and criteria of said rights.
2. Curbing the natural development of the language. This is especially visible in the irregular linguistic distribution in a community of speakers that is small (600,000 citizens). This way, the proportion of students per linguistic model and zone in the 2004-2005 school year in the CFN was and continues to be surprisingly unequal, due to the ghetto policies of the linguistic rights over the last 22 years (1986-2008):

Linguistic Zone	Model G⁶	Model A⁷	Model D⁸
“Basque-speaking” Zone	0.0%	14.18%	85.82%
“Mixed” Zone	52.9%	20.03%	27%
“Non-Basque-speaking” Zone	71.85%	25.85%	2.3%⁹

Apart from the violation of basic linguistic rights and the lack of rationality of said policy, the disproportion between zones and models is obvious and provokes a progressively larger and more alarming cultural and linguistic duality in a small community like Navarre. If we understand that bilingualism or even the teaching and use of three languages are synonymous of cultural richness and intellectual development, we must conclude that maintaining 71.85 % of school aged children without the possibility to access models D or B is unacceptable from an educational point of view.

3. Curbing the natural transmission of the language. If we compare the evolution of registration (always free and elective) of parents in different political districts (BAC and CFN) the effect of a linguistic policy that is respectful of citizens’ linguistic rights (BAC) and the other restrictive one (CFN) is evident:

5. Data from the 2004-2005 school year. The annual change in the total number of students per linguistic zone is very limited.

6. Education exclusively in Spanish, without Basque as a subject.

7. Education exclusively in Spanish, with Basque as a subject (3 hours per week).

8. Education exclusively in Basque, with Spanish as a subject (4 hours per week).

9. Model D in the “non-Basque-speaking” zone is only offered in private centers, all are parent cooperatives.

Linguistic Model	BAC Percentage	CFN Percentage
In Spanish without the Basque subject	Model X 0.1%	Model G 56%
In Spanish with the Basque subject	Model A 19.9%	Model A 19%
Partly in Basque and Partly in Spanish	Model B 23%	Model B 0.1% ¹⁰
In Basque with the Spanish subject	Model D 57%	Model D 24% ¹¹
In English and Spanish ¹² (with optional Basque in the Model TIL)	Does not exist	Model TIL and British ¹³ 0,9%

As can be seen, while 57% of students opted for a bilingual system (model D) in the BAC, in the CFN it did not reach half of that, 24%. On the other hand, in line with the Government of Navarre's policy line, the CFN has promoted Spanish monolingualism from the institutions (56% of students); the BAC's more democratic linguistic policy has empowered the majority of students with both languages (Spanish and Basque).

10. Nonexistent in the "Basque-speaking" zone (because parents do not choose it) and excluded from the "non-Basque-speaking" zone's education system, practically nonexistent in the "mixed" zone, where the number of students registered in this model does not reach 200 (because parents generally opt for the model D which allows for greater linguistic ability in both Basque and Spanish).

11. The social consequences that can be taken from this situation are alarming, such as the fact that the percentage of immigrants that choose model D is only 1% in the CFN.

12. The British model has had several criticisms:

1. Said model arose from an agreement signed in 1996 between Spain's Ministry of Education and Science and the British Council School from the United Kingdom for the progressive introduction of bilingual schools. The agreement prescribes one out of every five professionals that teach at centers with the said model have to be English speaking natives or people who have lived over 5 years in an English speaking country. Said requirement is not followed in the CFN.
2. The implementation of said model had been done without the aid of the education community, without any previous studies or without preparing teaching staff that comply with the characteristics outlined above.
3. In view of the regressive policies that the CFN government maintained between 1997 and 2004, which was criticized repeatedly and severely by the EBLUL and the Council of Europe, it is valid to think that the Model British was created with the intention to detain the growth of Models B and D in the CFN, models which, we repeat, have maintained constant growth since their creation. A fact that has not been achieved since the students register in said model come from the monolingual model G, since the teaching of English on model D centers, both in the BAC and CFN have been recognized and have been awarded at a European level.

13. They are newly implemented linguistic models, which is one of the reasons for its low percentage. By virtue of the pre-registration data for the 2008-2009 school year, 10% of the students have chosen this model at the expense of model G, exclusively in Spanish, which has dropped 10%, and model A that has also dropped.

It is necessary to note that the difference between the two linguistic realities (BAC and CFN) is greater with the passing of time due to the progressive and decisive growth of the model D in the BAC and the CFN's limited growth. This way, in accordance with official data from pre-school in the BAC for the 2007-2008 school year, 68.8% of the children were registered in the model D, 24.7% in the model B while only 6.5% were in the model A. In the CFN, only 30% (less than half of that in the BAC) opted for model D. This is primarily due to two reasons:

1. Lack of willingness to promote Basque. The CFN Government has placed obstacles to opening the educational offer in Basque, especially between 1997 and 2004, years in which the conservative *Partido Popular* (PP) governed the central government which coincides partially with the years in which UPN had an absolute majority in Navarre.
2. Division of Zones. Despite the progressive increase in the number of students choosing model D since its implementation, 31% of the students in the CFN ("non-Basque-speaking" zone) continue to be excluded from the opportunity to choose models D and B.

As stated above, the unequal development of the same language in different places within Euskal Herria will give rise to its unequal distribution. Far from uniting efforts and promoting the development of languages (and contravening the European Charter for Regional or Minority Languages of the European Council and infringing linguistic rights), the authorities of the French state and the CFN are, for political reasons, denying their own citizens and future generations the knowledge, transmission and development of their own historic language.

In line with that stated above and as a conclusion, as far as the linguistic policy concerning educational material in the CFN, the Committee of Experts of the Council of Ministers of the Council of Europe stressed the following (in an extremely diplomatic manner) in its First Report on the situation of the Basque language in the CFN:

According to the statistics provided by the Government of Navarre, between the school-year 1990/1991 and the school-year 2002/2003, the proportion in which the various models have been used in the "non-Basque-speaking zone" at pre-school and primary school levels is as follows:

- Model G has decreased from 95% to 59.2%
- Model A has increased from 3.2% to 38.2%
- Model D (used in the legalized Ikastolas - private schools) increased from 1.8% to 2.6%.

356. The Committee of Experts considers that the increase of the number of pupils who receive at least teaching of Basque is a very encouraging sign. Insofar as this zone is considered by the current legislation of Navarre to be a territory in which Basque is not traditionally used, this development testifies to an impressive commitment on the part of the competent authorities.

357. However, the number of hours of teaching of Basque in public schools, following model A, in the “non-Basque-speaking zone” is not known to the Committee of Experts. It must be observed, in this regard, that this number must be appropriate to be compatible with the objective of the Charter, which is to protect and promote regional or minority languages and not just to provide some basic notions of them. The extent to which the conditions laid down by the relevant legislation make it possible to cater for the demand in the areas concerned in the zone at issue is also unknown to the Committee of Experts. It observes, in this regard, that the minimum numbers required, which go up to 25 for the non-compulsory part of secondary school, may appear at first sight very high for the areas of Southern Navarre where the Basque-speaking population is most dispersed. Indeed, the representatives of the speakers complained that the minimum numbers required sometimes hinder the possibilities to benefit from the teaching of Basque.

358. The development of the Ikastolas, which are private schools using a “full-immersion” model roughly corresponding to model D (with the difference that teaching of Castilian is introduced later than in the latter), seems to suggest that there is a demand for a more intensive teaching of Basque which public schools do not cater for. The Committee of Experts cannot ignore the existence of the said demand in a context where the amount of teaching of Basque provided by public schools following model A is unclear. The Ikastolas receive some public financial support from the Parliament of Navarre and the Government of Navarre itself has underlined this fact. This indicates that the latter considers supporting the Ikastolas as an additional way of complying with the Charter obligations. However, the Committee of Experts observes that there seems to exist serious problems with regard to the conditions in which the Ikastolas operate. In the first place, not all the Ikastolas are legally recognized, which according to what has been reported to the Committee of Experts raises a very serious problem for the regular recognition of the education of the pupils concerned. In the second place, the infrastructures used by the Ikastolas suffer from serious maintenance problems owing to the insufficient funding allocated by the Parliament of Navarre. In the third place, the limited funding does not suffice to support families whose income is very modest, especially in the rural areas of the “non-Basque-speaking zone”.¹⁴

As we stated before, given that the French state has not signed the European Charter for Regional or Minority Languages of the European Council, it is not politically obligated to take any initiative to promote Basque in education or any other sphere. Consequently, Basque in Iparralde is in marked decline. Up to this moment nothing has been done by the administration to avoid it, but rather all the opposite.

ADMINISTRATION

With respect to the public administration, the situation is very similar to what we can observe in the educational sphere. Development and promotion in the

14. First report of the Committee of Experts in respect of Spain, Council of Ministers of the Council of Europe, CM (2005) 128, 22nd August, 2005.

BAC, curbing and denial of rights in the CFN (“Basque-speaking” and “Mixed” zones) and finally, absolute denial of speakers rights in the CFN (“non-Basque-speaking” zone) and the French state.

Within the Spanish state’s framework, Law 30/1992 dated 26th November, of the Law on Public Administration and Common Administrative Procedure prescribes, in article 36, the obligation for documents to be processed by the state’s central administration to be written in Spanish (without the explicit prohibition of their being written in other languages). Said in another manner, civil servants from the BAC and the CFN must act, firstly, and legally, in Spanish, and must use Basque only if and when those interested use the language. In this case, and depending on the linguistic ability of the civil servant, the documents will be translated for the civil servant. If there are several individuals interested and any demand that the documents be written in Spanish, the administrative procedure will be carried out in Spanish, although the documents in question must respect their individual rights. In fact, this is a significant limitation to the linguistic rights of Basque speakers when they interact with the Spanish state administration, in both the BAC and the CFN. Outside of said communities, in the entire state, the Basque speaker does not have the right to communicate in his/her own language before public administrations, not even with a translator (except in a legal sphere, if he/she does not correctly understand the Spanish language, as required by the right to effective protection of the court).

With respect to the BAC, in addition to Law 6/1989, dated 6th June, of the Basque Public Administration and Decree 86/1997, dated 15th April, by which the use of Euskara in BAC public administrations is regulated, the BAC Parliament drove the Basque Public Administration Linguistic Normalization Plan of 2003. Likewise, Law 6/2003, dated 22nd December, of the Statute of Consumers and Users was approved in 2003, which specifies the rights of consumers and users in title 2, chapter 7. Above this legislation there exist Decrees 30/1998, dated 24th February, on the standardization process of the *Ertzaintza* or Basque autonomous police, and Decree 67/2003, dated 18 March, on the standardization of the use of Basque in *Osakidetza*/Basque Health Services. It is also necessary to add, despite said effort, that in practice there are difficulties when communicating in Basque with public administration employees in the BAC due to the lack of civil servants’ linguistic qualifications. They have not been required to learn the language once hired.

With respect to the CFN, the situation is contradictory if we compare it with the effort carried out in the BAC over the last thirty years. It is very difficult to establish a standardized relationship in Basque with public administrations in the CFN’s “mixed” zone and simply impossible in the local administration based in the non-Basque-speaking zone, given that the use of Basque is not protected by law. There is an evident lack of will to boost the Basque language (no parallel decree to that of BAC exists that regulates the use of Basque in the Foral Police (Foral Community of Navarre’s police force) or *Osasunbidea*/Navarre Health Services. Many irregularities exist in practice, some that have been detected by the Linguistic Rights Observatory, by the European Bureau for the Lesser Used Lan-

guages (EBLUL), by the Committee of Experts of the Council of Ministers of the Council of Europe in its two Reports on the situation of the Basque language in the CFN or by the Superior Court of Justice of Navarre, to which can be referred.

The 1997-2004 period that we referred to previously sadly stands out in Navarre. Specifically in 2000 when the CFN Government approved, with the support of the UPN and PSN parties, the Foral Decree 372/2000, dated 11th December, which regulated the Basque language use in Public Administrations in Navarre, notoriously restrictive of linguistic liberties, which limited and restricted the linguistic regulations previously in force in the CFN, effectively decreasing citizens' basic linguistic rights in the "mixed" zone which the previous CFN regulations guaranteed. On 26th June 2002, the Superior Court of Justice of Navarre (SCJN) declared Decree 372/2000 null and void. In fact, the Contentious-Administrative Division of the SCJN nullified said regulation, in several rulings on 26th June 2002, for being "deemed void by operation of law". Another of the rulings from that same date declared the "Action plan to apply the regulation on the use of Basque in the Basque-speaking zone", on the 5th February 2001, be nullified. It demanded that forms, documents, and landmark and public sign-writing be exclusively in Spanish, even in the "Basque-speaking" zone of the CFN where Basque is the co-official language. The Government of Navarre's regulatory policy was condemned by authorities in Europe and Navarre. Nevertheless, despite its annulment by a ruling from the Courts of Navarre, the Government approved the subsequent Foral Decree 29/2003, dated 10th February on the use of Basque in public administrations in Navarre which repeats the one previously nullified, being equally unfavorable for Basque. New appeals were placed before the Courts, which are currently being analyzed by the Superior Court of Justice of Navarre.

All of these initiatives, aimed at eliminating the root of institutional bilingualism and the fundamental linguistic rights of citizens, prompted the intervention of the European Bureau for the Lesser Used Languages (EBLUL) and the very Committee of Experts Council of Ministers of the Council of Europe.¹⁵ Just as Bojar Brezigar, president of the EBULUL, stated, the CFN, with its legislative regression on the protection of linguistic rights of a native community, constitutes Europe's counter-model, in his own words, "the first substantial regression of policies for regional minority languages in EU Member States".¹⁶

In fact, there have been many irregularities in the CFN administration with respect to citizens' linguistic rights in Navarre, especially during the 1997-2004 period.

The Observatory of Linguistic Rights received 146 complaints in 2002 from citizens about public entities in Navarre: 101 complaints directed at the Govern-

15. First report of the Committee of Experts in respect of Spain, Council of Ministers of the Council of Europe, CM (2005) 128, 22nd August, 2005.

16. Brezigar, Bojar, Report on the linguistic situation in the CFN, European Bureau for Lesser Used Languages, 15th December 2001. See, www.eurolang.net.

ment of Navarre and public entities dependent on the Government and 45 complaints directed at independent local entities and organizations. The majority of the citizen complaints have to do with the restrictive linguistic policy that the Government of Navarre began to develop since Foral Decree 372/2000 dated 11th December came into force, which regulates the use of Basque in Navarre's Public Administrations. Forms exclusively in Spanish, public information exclusively in Spanish, signage, city and street signalling exclusively in Spanish... which is to say, complaints related with basic institutional bilingualism practices.

Taking into account that on the 26th of June 2002, the Superior Court of Justice of Navarre declared void by operation of law said decree 372/2000, the Observatory understands that the violation of linguistic rights complaints are also a violation of the existing regulations in Navarre which, once decree 372/2000 is voided, it is the Foral Law 18/1986, dated 15th December, on the Basque language and Foral Decree 135/1994, dated 4th July, which regulate the use of Basque in Navarre's Public Administrations.¹⁷

As far as linguistic policies concerning the Basque language in public administrations of the CFN, the Committee of Experts of the Council of Ministers of the Council of Europe stressed the following in its First Report on the situation of the Basque language in the CFN:

119. The Basque language (Euskara) in Navarre. As for the "mixed zone", users have a right to address the administration in Basque. The Committee of Experts has however received no information pointing to a clear policy of encouragement of the use of Basque in the official sphere and in public life and some elements actually suggest a decline in the use of Basque in this sphere in the "mixed zone". Thus bilingual road signs in Pamplona/Iruña no longer exist and the Committee of Experts received complaints, during the "on-the-spot" visit, according to which fewer and fewer applications are actually submitted in Basque.¹⁸

Any language other than French is completely excluded from the French state's administration.

MEDIA

With respect to broadcasting media in minority languages, no obvious means of broadcasting in Basque existed during the General Francisco Franco dictatorship (1936-1975). Only some radio stations like Radio Popular of Loiola and Radio Popular of San Sebastián, owned by the Jesuits, assigned airtime the Basque language in an "unregulated" or even illegal manner. In 1976, coordinated by José Ramón Beloki, these stations organized a radio marathon called

17. "The institutional reduction of Basque in Navarre", *Monographic Report 2*, Hizkuntz Eskubi-deen behatokia/Linguistic Rights Observatory, Pamplona, 2003.

18. First report of the Committee of Experts in respect of Spain, Council of Ministers of the Council of Europe, CM (2005) 128, 22nd August, 2005.

“24 Ordu Euskaraz” (24 Hours in Basque) as a protest. Nevertheless, the BAC would have to wait until the approval of its Autonomous Statute to create Basque language radios and televisions.

Euskal Irrati Telebista, or Basque Radio and Television (EITB), was created through Law 5/1982 and subsequent Decree 157/1982. Basque Television (ETB), began broadcasting in 1983, exclusively in Euskara. In 1986, it was decided to start a channel entirely in Spanish, named ETB-2. The radio stations, Radio Euskadi/Euskadi Irratia retook the radio name that broadcasted from Venezuela during the dictatorship. Emulating ETB’s bilingual system, Euskadi Irratia has broadcasted entirely in Basque since its creation and Radio Euskadi completely in Spanish.

Since its creation, the BAC parliament approved Decree 338/2003, dated 29th December, which regulates financing to promote BAC’s audiovisual production¹⁹ which has financed projects from 2004 to 2006 with a total 8,235,000€ for those years. In 2005, the BAC Government awarded *Berria*, the only newspaper at a national level that is published entirely in Basque, a direct subsidy of 1,400,000€.

Currently, the start up of local Digital Terrestrial Television has brought with it the coordination of a system of broadcasting quotas in Basque for the BAC. In any case, the practice of linguistic guarantee of pluralism (with respect to Basque) in state media coverage (both public and private) is also absent.

The effort by successive BAC governments contrast with the lack of promotional policies in this field by governments from the CFN, which have not promoted the creation of Basque broadcasting media at all. Even more, the Government of Navarre has repeatedly denied to provide a license to broadcast *Euskalerrria Irratia*, the only Basque broadcaster in the Pamplona region, which, despite this, broadcasts in an unregulated fashion. To conclude and in keeping with the Reports by the Committee of Experts Council of Ministers of the Council of Europe, the CFN’s successive governments have limited themselves to not putting obstacles to the reception of channels or stations that broadcast in Basque in the CFN.²⁰ Citizens who want to access news in Basque within the CFN must do it through ETB1, *Euskadi Irratia* or the illegal *Euskalerrria Irratia*. Apart from this, there exist local private broadcasters in several valleys in Navarre that broadcast entirely in Basque and only inhabitants in said valleys can receive the transmissions.

CROSS-BORDER COLLABORATION

An aspect that the Council of Europe acknowledges to be very important is cross-border collaboration, especially in the case of Basque, Lapp, Catalan,

19. Official Gazette of the Basque Country Num. 112, 15th June, 2005.

20. First report of the Committee of Experts in respect of Spain, Council of Ministers of the Council of Europe, CM (2005) 128, 22nd August, 2005.

Tyrolese and Irish, in which a nation has been divided into two or more states. Like in the rest of the fields we have dealt with (public administrations and education), the effort carried out by the governments and institutions of the BAC does not run parallel with the CFN's or the French state's.

As far as the BAC is concerned, the full session of the Basque Parliament ratified the General Plan to Promote Basque approved the 18th July, 1998, by the BAC government by virtue that it would commit itself to promote the Basque language in Iparralde and the CFN. One year later, on the 22nd December 2000, a linguistic collaboration agreement was signed between the French state, the Regional Council of Aquitaine, the General Council of the Pyrénées-Atlantiques, the Anglet-Biarritz District and the Council Elect of the Basque Country with the aim to promote a common linguistic policy to promote Basque in Iparralde. Said agreement was again approved in 2003 (Bayonne Protocol) and in 2004 (creation of the Basque Language Public Office).

In virtue of these and other agreements, the BAC has subsidized a multitude of programs to promote Basque in Iparralde, providing more funds than the French Government itself. To be exact, the aid to develop Basque promotional activities in Iparralde add-up to: 211,658€ in 2003; 242,153€ in 2004 and 303,829€ in 2005. In addition, it is necessary to cite the Basque promotional aids, *Euskalgintza*, from 2003 to today: 63,278€ in 2003; 30,426€ in 2004 and 49,254€ in 2005. Finally, the BAC has also approved aid to the media in order to diffuse Euskara in *Iparralde*: 131,425€ in 2003, 117,645€ in 2004 and 92,221€ in 2005.

Jointly, with the promotion and backing of the use of Basque in audiovisual means, bibliographic production in Basque has multiplied. If during the years of the Basque language's prohibition and persecution (1936-1975) a total of 1,733 books were published in Basque, many from exile, and at a rhythm of 43.3 books annually, during the eighteen years of democracy between 1976 and 1994, the production of books in Basque shot up to 12,525, 695.8 books annually. This is one more indication of the impact that a repressive linguistic policy can have on a language.

The aids provided by the CFN to date to promote the Basque language in Iparralde and in the BAC are non-existent. In comparison, the BAC has aided entities and groups financially to promote Basque in the CFN. When the CFN's public institutions and Government have not supported the development and transmission of the Basque language in Navarre, it is almost absurd to think they can subsidize programs, although they are cooperation programs, in the BAC and Iparralde. However, we repeat, we are working with historic data, an especially dark past between 1997-2004. We sincerely hope that the timid process of regression in linguistic rights initiated by the CFN in 2005 may bear fruit and that we may see the elimination of the zoning of the person in Navarre as a thing of the past and a commitment to promoting the vernacular language of Navarre's citizens.

In general, today, approximately 45% of the Basque population speaks Basque. By territories, approximately 45% of BAC citizens are Basque-speakers (with different language levels and use), 20% of CFN citizens and 31,1% in Iparralde. However, the geographic distribution is greatly unequal, the presence of the Basque language being much superior in rural areas. In addition, it is worth noting that depending on the linguistic policy applied in each territory (or linguistic zone in the case of CFN), the evolution of the number of speakers is very diverse. In fact, if the largest proportion of Basque speakers is found in Iparralde, this is dropping at an alarming rate since they are fundamentally people over sixty-five that speak the language. All this in view of the passiveness of French authorities who, in opposition, spend enormous amounts of money to promote French outside of the Republic's borders (Francophonie) with the aim of promoting the French language as an international language besides English.

With respect to the CFN, as we have been able to see, development in the "Basque-speaking" zone is amazingly higher than the "non-Basque-speaking" zone, an area where if the zoning is not eliminated, will continue to honor said name.

As for the BAC, the general evolution of the percentage of the bilingual and monolingual population over sixteen in the last twenty years is the following:

	1981	2001
Bilinguals	431,136 21.9%	639,296 32.2%
Passive bilinguals	240,426 12.2%	361,006 18.2%
Monolinguals	1,297,476 65.9%	984,656 49.6%
Total	1,969,038	1,984,958 ²¹

As we can see, despite all the difficulties that the recuperation of a language entails, the proportion of passive and active bilinguals has increased 16.3% in twenty years. A figure that is far from the withdrawal the Basque language is undergoing in the French state or the slow progress in the CFN. It is necessary to also take into account that these figures only consider the population over sixteen and that the population under sixteen is registering in Basque models or models with Basque more and more, so that the prospect for the future is positive, although the knowledge of a language does not guarantee its use. This precisely constitutes one of the fundamental challenges for the Basque language in the future.

21. Council of Europe, *Second Periodic Report on the application of the European Charter of Regional and Minority Languages*, 2006. P. 21.

LOOKING TOWARDS THE FUTURE

The road travelled has been long, full of difficulties and there is still a long way to travel to standardize the use of Euskara. From the perspective of a future society that is plural and which moves toward a greater linguistic integration, the master lines of a linguistic policy that provides the Basque language the sufficient guarantees for its development must be outlined.

A harmonized linguistic policy for all the Basque-speaking territories would be important for the development of Basque. Further than the occasional collaborations between those responsible for the linguistic policies from different territories, we need to propose the creation of a common organization whose object should be to establish the master lines of the future global linguistic policy related to Basque, in accordance with the sociolinguistic diversity of the territories where they should be applied.

The teaching field must move towards a model that guarantees all students within the Basque-speaking territories the right to Basque instruction and of its effective knowledge, without affecting the learning of the state's official language and one or more foreign languages. The proposal should move towards a more integrated model, even going beyond the current linguistic separation system (linguistic models), which makes it possible for a future society to be more or less plural, but at the same time more linguistically integrated, in such a way that the knowledge/lack of knowledge of a country's own language is no longer a linguistic barrier.

In public administration, the guarantee of personal freedom to use the official language of choice should be compatible with the country's co-official language, Basque. Taking into account the different sociolinguistic realities of the Basque-speaking territories, the legitimate and democratic right of all citizens to use the country's languages should always be guaranteed, and the correlative right to be answered in the Basque language in all the territories. Likewise, we would have to move towards a legal development of the concept of our own language, in line with that which has been initiated in other territories, such as Catalonia, whose application could be carried out immediately in the territories with the greatest density of Basque-speakers and into the remainder progressively.

In social means of communication, both the right to receive information in Basque and the right to inform in Basque must be guaranteed. Informative pluralism -a principle of democratic regimes- promotes the guarantee to receive information from the media broadcasting for the country in its own language. To guarantee that right cannot be understood to be the exclusive job of public media, since that would assume an excessively limited view of informative pluralism. To demand a Basque broadcast quota from private media which broadcasts for territories where Basque is the mother tongue could be understood to be proportionate and suitable to the legal consideration of the Basque language.

On the other hand, with regard to newspapers, the 2003 court order to close (as a preventative measure) the only Basque-language newspaper, “*Euskaldunon Egunkaria*”, is understood to be a disproportionate measure that affects the basic pillars of democracy, in addition to the guarantee of Basque-speakers’ linguistic rights. Taking into account that the legal proceedings have yet to be held in 2008, continuing the closure ordered under preventative measures. Being the only newspaper published in Basque and in which all political opinions were accommodated, the legal prohibition and closing of the newspaper is understood to be an error, where political reasons are the only explanation. The presumption of innocence, the subjective character of responsibility and the degree of the preventative measures that affect basic fundamental rights like the liberty of expression have not acted in favor of the Basque language, but rather against.

The road that Basque must open in the French state and in the European Union is also difficult. The “Linguarium”, literally “the gag”, was the fine that some public representatives had to pay in certain major cities for speaking too much. “Linguarium dabo” was the formula used, that is, “I must pay for talking”. This should be applied to the French Minister of Foreign Affairs, Michel Barnier, who stressed that he would never accept the official recognition of Basque, Catalan or Galician, in addition to Breton and Occitan as European Union languages.

Certainly many consequences can come from the cultural, linguistic, economic and fundamentally political exclusion in which the French state has taken great interest in the discussions surrounding the future European constitution:

- Not all European citizens will have equal rights and duties until all European languages enjoy identical legal status.
- Not all European languages will be considered as such in the Union. Some will be European languages, because they are not possible to deny; others will be community and official languages. In addition, citizens who express themselves in said languages will be of different civil, political and cultural categories and nature.
- The economic or administrative justification of it means the relinquishing of a human right for organizational reasons, something that those who have always violated the rights of people and citizens have done. Michel Barnier possesses a budget from the French state for the cultural program named “Francophonie” to develop French as an international language. While they politically deny minority languages under the grotesque excuse of budgetary costs and minority languages are excluded culturally, year after year millions of euros are invested to pay for a brainless conflict with the English language with which it intends to revitalize French as a language of international communication. Alternatively, as in Navarre, there is a budget, of millions, to remove bilingual signs and replace them with the corresponding monolingual signs.

- A policy which is only comprehensible in the power struggle between large states, in this case in its struggle for cultural and idiomatic preponderance of the continent, by which the Union will continue being what it has been until now, an asymmetrical conglomeration of conflicting states. It will never become a true Union, because the states are the true deadweight of a united Europe which is culturally plural and truly of its citizens.
- In this same sense, a European language like Basque will continue to be artificially separated into to different states, three varied administrations, three different names and at least six administrative conditions opposed to each other. Basque will continue to be the official language of the Basque Autonomous Community, it will continue to suffer by being divided into zones and therefore subject to three administrative realities in the CFN, a linguistic community that barely reaches 600,000 speakers and where it is called “vascuence” (Basque language in Spanish); it will continue to exist in France, where it officially continues being a “patois”²² with all that carries both politically and culturally and finally it will be an unofficial language, therefore it will not have a legal status at a European level.

The construction of a state or a political union, whatever its nature is, to distort and blur cultural reality, historically has never changed but has perpetuated situations of latent injustices, which are the best breeding ground for social and political instability and cultural poverty. The administrations of the French and Spanish states and of the European Union, and their de facto leadership and the writing of rules and regulations that discriminate against a sector of the population in accordance with the language by which they live their lives is an example of the cultural injustice and political unyielding of those responsible for said administrations.

While the states strive to build Europe from the destruction and disfiguration of its most basic cultural reality, Basques, Catalans, Bretons, Scots, Welsh, Tyroleans and Flemish continue to be stripped of cultural rights in their own land and excluded from the organizations of political representation which are owed. Cultural expression is excluded from the legal order by that so-called justice of the union states, and Europe and the states that make it up will suffer the consequences from the fundamental rights violations and a serious democratic deficit. If the state’s constitution or a community regulation is so blind that it does not give the Basque language and the rest of the minority languages of Europe of the political statute that is legitimately theirs, it will not be supported by the majority of the Basque people. If a constitution intentionally blurs the concept that a people and a language belong to us historically, culturally and linguistically, it denies the most elemental cultural and linguistic rights to our people and, all in all, it does not consider Basque as a language. This denies it its

22. Derogatory term by which national languages have legally and traditionally been known in the French state (with the obvious exception of French).

European character and consequently, denies Basque citizens the right to be a nation and to establish a people.

Despite that, and although Basque, Catalan or Galician are not recognized, just like our languages, we will continue to be Europeans, but like our languages, we will not be full citizens. In addition, there will continue to be first and second-class citizens because of the language we use to express ourselves.

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