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**The national minorities
and the European Charter
for Regional or Minority Languages**

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Abstract

This project work is about the protection of national minorities and promotion their linguistic rights through the international legal instrument, the European Charter for Regional or Minority Languages. The point of departure is the question of the interests behind the collaboration of the European states in such a promotion of minority languages through the European Charter and on the contrary what stays behind its obstruction. There is used an approach of the political or cultural geography – approach of national coherence and ethnic identities. So the question of the the linguistic rights of national minorities is examined hand in hand with the concept of nation, nation-state, identity and nationalism, which actually affect the attitude towards the national minorities and their protection, including the promotion of the linguistic rights from the government perspective and from the view of majority population. After the analysis of main theories, the concept of the Charter and the interests behind its creation, and the case study of Polish minority in the Czech Republic it is shown different perception of minority rights, particularly linguistic rights – the European Charter for Regional or Minority Languages - by European states due to their view of nation coherence and to the historical, political and social characteristics within each state and also depending on demographic, geographic, political or social characteristics of national minorities.

Keywords: national minority, nation-state, identity, ethnicity, nationalism, language, minority language, language shift, the European Charter for Regional or Minority Languages, Polish minority in the Czech Republic

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Finally, I would like to notice, of course, all errors and oversights in this work are entirely my own, so I eventually apologize for them.

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1. Introduction

In the last century a problem of national minorities appeared and the heads of governments had to start solving them and be aware of this issue. Especially when we are living in the time of globalisation, migration flows, creation of multicultural societies and rise of nationalism also from the side of many national minorities, which struggle for their rights within states or nation-states. Hence the task of position of national minorities within state territories became nowadays more examined not only on national levels, but also on the higher level, supranational level as well, like within the international organisations such as the European Union, the Council of Europe or the United Nations. As a matter of fact it is an actual problem and at the same time in a way a controversial topic. Actually by reason that we have almost two hundreds states in the world and in almost each state live some national minorities, but the situation is everywhere different and sometimes unique. Somewhere are national minorities living in coexistence with the majority with certain given rights, elsewhere are struggling for more rights within particular territory or even demanding kind of autonomy.

Evidently, there are numbers of conflicts between the communities within a country raised because of the inability of ethnic, cultural or religious communities to coexist peacefully in a consequence of clashing the interest of the major population with the minorities's interests. On one side the nation-state and the homogenous community with the same rights and cultural values and on the other hand national minorities or migrants fragmenting the society and creating multicultural environment within the state territory. Tensions between communities within the same societies most often arise when some of them feel that their core interests are being threatened or that their basic rights are being ignored. In these circumstances international recognition of community or minority rights becomes more relevant to the resolution of conflicts and the promotion of peace (Geldenhuys-Rossouw, 2001). That is why the task of national minority is sometimes a problem and thus should be considered in the behalf of keeping sort of stability within state territories.

Basically, there exists more perspectives how to perceive the minority issue, either from the perspective of nation-state, which also protect them but in a way - through integration to the society and giving them the same opportunities or chances as the members of official nation – or from the multicultural point of view, where the states consider the other nations within their territory and try to give them almost the same rights to keep their own identity if they desire it. So thus the interests of states and national minorities often clash and are view differently by all kind of actors, states and political elites, major population or members of national minorities.

This project work focuses on the national minorities in Europe with emphasis on their linguistic rights – because the language is one of the crucial elements of the national or ethnic identity. Firstly, I will discuss the problematic of national minorities in general: what are the national minorities, why is this important to be aware of and why should we protect them. On the ground of the importance of better insight into the topic, these issues will be examined through the theoretical analysis of concepts like minority, nation, nationalism or ethnicity, which are basic for understanding environment of the national minorities and the relation between the majority and minority in general.

It will be examined also through the document, the European Charter for Regional or Minority Languages, which actually ensures the protection of the historical regional or minority languages in Europe. By the way, the protection of the language, a significant mark of the identity, is an important part of the protection of minorities itself, specially if they desire to keep their own language alive. So in this section, the Charter will be analysed and discussed to get overview what does it basically brings and why some states decide to ratify it or not. We will finally work with the case study, the Polish minority in the Czech Republic. These empirical data will be useful for a better view of the whole problem area. Hence we will see, how the protection of national minority is working in everyday life and what are the reasons why this country had decided for the protection of particular national minority within the European Charter for Regional or Minority Languages. Therefore the position of the Poles within the Czech society and the impact of the Charter is discussed there as well.

In the end I will sum up both the theoretical and the empirical data and then draw conclusion about the importance of the European Charter for Regional or Minority Languages and the protection of national minorities in general, obviously especially their own language and posture of particular states, eventually their reasons for obstruction this kind of promotion.

At the beginning it should be emphasised, that this inquiry focuses only on the national minorities within the states. So the minorities shaped by migrants are beyond the scope of this study. Hence it is not considered even in the initial discussion.

The minority issue

In the 1990s the issue of minority rights in plural societies rose to the top of the global political agenda for the first time since 1945. This date is significant not only because of the end of the Second World War itself, but also in virtue of the changing of the ideologies in the meaning specially nationalism and idea of nation-state and homogenous nation with the same cultural values recessed backward, changing the boundaries and character of societies thanks to the globalisation and accepting more multicultural societies or different identities within the state territories than the official one. Basically, the identity and way of living became more important than ever before, when every citizen without exception of national identity was important labour power and thus the question of membership to any minority or special rights was not relevant - everyone had the same rights. All in all this date mean turn from the nation-state away, as the world moves from a system of sovereign states into some sort of global, postmodern village and signs of change and old boundaries are being opened up (Billig, 1995: pp 176). Suddenly, new face and diversities are to be found in the pictures of national identity and a new politics of identity challenge old nationalist hegemonies to change a world order and nature of communities. Hence the „world community“ or a new global order“ are being made on behalf of the most powerful nations (Billig, 1995).

Although there had since the 1950s been a gradual international recognition of the need to protect minority rights, the issue gained a new prominence and urgency with the upsurge in ethnic conflict following the collapse of communist dictatorships in Eastern Europe. Today the status of minority communities remains a central political issue in many parts of the world, Europe included (Geldenhuis-Rossouw, 2001: 4). The status of minorities and their position in a society, or more precisely in a state, is actually a very broad theme and therefore it is a subject area of study for more science disciplines and can be view from more perspectives.

Also the other significant historical events afterwards like not only the collapse of communism, but also the end of apartheid or the recognition of Israel by Arab countries (Billig, 1995) were events which influence the way of thinking about the nation, nationhood, national identity or nationalism et cetera and in my view in fact as well the way of looking at different ethnic groups and national minorities within states.

Minorities and majorities across the globe clash over such issues as language rights, religious freedom, education curricula, land claims, regional autonomy or national symbols et cetera, because they obviously have different interests. The politics of language and discussion about the usage of minority languages in political, judicial and educational institutions is the basis of conflict between minority groups and the majority populations (Geldenhuis-Rossouw, 2001). It namely brings many complications of social, economic and bureaucratic nature, or put forward questions

within society such as importance of minority language in education or use of the language in public, especially in the case when most of the members of minority can speak the official language. Hence it is a huge challenge for democratic states or nation-states to resolve and prevent such conflicts between minorities and majorities in plural societies within its territory and set down the rules or rights for both of them.

Despite the fact that the question of minorities had become significant, there exists no exact and generally accepted definition for the term **minority/minorities**. It is hard to define it in the way which couldn't be used by states as an excuse not to deal at all with potentially disputable minority issues within their territory by claiming, that the relevant group was not a minority and namely didn't have any claims to special rights, but simply part of the broader national population (Geldenhuys-Rossouw, 2001). Nevertheless one of the most used definitions sounds as follows:

„A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language (Geldenhuys-Rossouw, 2001).“

Basically the term minorities include three distinct groups. One of them are **national minorities**, which is actually the scope of our study. Such a community consists of a numerically smaller group than the rest of the population of a country and its members are characterized with ethnic, religious or linguistic characteristics different from those of the rest of the society. These people have a commitment to safeguard their culture, traditions, language or religion. To give an example: the Swedes in Finland, Germans in Belgium and Italy, French in Canada, Tamils in Sri Lanka, the Serbs in Bosnia-Herzegovina and so forth. The other minority groups are **ethno-cultural minorities**, often shaped by immigrants and refugees bringing their own cultural values and way of their living to the country of immigration. These ethno-cultural minorities don't have any privileges, they have the same rights as the citizens, but their cultural values or identity can be kept mostly only in their private life. The last group is created by **indigenous peoples** who have the same characteristics as national minorities but one additional distinguishing feature - that they are the original inhabitants of their countries and had settled there before the majority population did, like for example Inuits in Greenland or Sami in Scandinavia (Geldenhuys-Rossouw, 2001). Though the task of the indigenous people or who were the first inhabitants might be disputable.

Nonetheless, this division is important, because each group has different demands, rights and position within the states. In my view, if we consider concretely for example the language issue or the right of language use in the public sphere, it is obvious that it should be possible for indigenous peoples and some national minorities to gain many rights and privileges depending on the state posture and its

perception of a nation either from the essentialist or constructivist point of view. That means if they see nations as naturally created/developed and thus accept different nations and its identities, or if they see a nation as a construct of society and then accept one official nation and common identity, like probably in mostly nation-states. However, all three mentioned minority groups - national minorities, ethno-cultural minorities and indigenous peoples - have different position within the societies.

In this study, there are considered only the national minorities, whereas many situations, problems or questions could be the same as for the indigenous peoples. So we will talk farther about the national identities, which shape as well the special identity of many national minorities, about the concepts of ethnicity, state and nation in general and of course the nationalism. This theoretical frame namely explain the view of the national minorities and the relation between the national minority and the majority within the particular states from different point of views. Let's talk firstly about the national identity and ethnicity below.

National identity

Each nation or an ethnic group (who don't claim to be a nation) has its own **identity**. Of course, if they really desire, otherwise they can just accept so called official identity of the major nation within a state. Basically, identity is something which people have or search for. It is found in the embodied habits of social life. Such habits include those of thinking and using language. To have national identity is to possess ways of talking about nationhood and to be situated physically, legally, socially, as well as emotionally: typically, it means being situated within a homeland, which itself is situated within the world of nations (Billig, 1995: pp 8).

Identities are actually form of social life, which is daily lived in the world of nation-states and differs from ethnic groups or communities in a particular ways (Billig, 1995). It is basically displayed in a way of living, in cultural values, religion, traditions and so on. The identity of national minorities is a form of collective identity based primarily on cultural elements. According to the scholar A. Smith, these collective identities (or cultural collectivities) are much more stable because the basic cultural element from which they are constructed – memories, values, symbols, myths and traditions – tend to be more persistent and binding. On the other hand they can somehow change or even discontinuous. Therefore, he says, that this change is process that occurs in every generation and we are particularly aware of how the components of national identities change (Smith, 2001).

Identity can be distinguished into civic (political) and ethnic one (Herb-Kaplan, 1999). A **civic identity** is practically the identification with population within an existing state territory, whereas the concept of the civic nation is based on the history, territory and public culture, but not on the myths of ethnic descent and thus it

doesn't endorse minority group rights – just overlook them accorded to the majority nation within the state (Smith, 2001). The opposite perspective is the concept of **ethnic identity**. It is actually the self-consciousness and self-identification as a part of an ethnic group with its own identity within state (Herb-Kaplan, 1999).

To conclude it, the national minorities in some cases can be identified with both of them, with identity of a population within an existing state and at the same time with their own ethnic identity. Though, some of the national minorities desire for keeping their own identity and then demand specific rights, especially if they have been living in a particular region and creating there a compact community, like in the case of Polish minority in the Czech Republic, which will be examined more later. Obviously, the way of living became in this century very important and consequently the national minority realize their cultural values and identity much more than before and thus defend their interests and sometimes even tend to have autonomist demands, because the national identity in general is as well bounded with the territory.

It might be emphasized, that in the idea of nation-state is only one notion of national identity, while in from the multicultural point of view identities within the nation are contested. However, national identities are rooted within a powerful social structure, which reproduces hegemonic relations of inequity (Billig, 1995). Hence the identities of the national minorities are often overlooked by the official nation with its identity within the nation-states.

Ethnicity

The second term to be explained here is **ethnicity**, which is basically belonging to an ethnic group, an exclusive community with the shared specific inborn attributes and namely given ethnicity (Kellas, 1998). The reason why this concept is mentioned here is such, that especially some national minorities doesn't achieve a status of a „nation“ and are thus regarded more as an ethnic group than a nation. One of the possible explanation might be the fact, that some of the minorities doesn't have a need to be identified as a particular nation, even on the contrary are rather part of the dominant nation and enjoy the protection and the same rights as the majority but with the giving up some of their rights like the language use in a public (which they could in some cases achieve with the status of national minority).

This was briefly about the national identity and the ethnicity, which helped as to perceive the national minorities from various point of views. The perspective presented here, is the national minority as ethnic group or community with specific identity different from the dominant population (/official nation) within the particular states. Now, we can have a look at the position of minorities in general and afterwards link it with the crucial theories of nation, nation-state and nationalism.

In fact, some minority groups can be found in every country, even in the nation-states like Japan or Iceland which are considered as the most homogenous states ever. Obviously, some of these groups are just migrants (who are not scope of this study), but some of them are ethnic or national minorities living on a specific territory within a state for a longer historical period, or lastly some of them are indigenous people. It lies on the national governments which rights will be ensured for specific minorities. However, the states have to consider the existing international legal instruments for the protection of the minorities, but finally it is up to state which ethnic policy will be chosen and applied. This is closely associated with the concepts of state, nation, nationalism and identity. By that reason, the position of national minorities within states and their protection can be seen from a different point of view and certain ideas (of nation, nation-state or identity) or their posture to this issue then reflects the various attitudes of the state governments and the inhabitants towards national minorities in general. For example these ideas or posture defines inclusiveness or exclusiveness of nation, integration of the minorities into society or discrimination et cetera. It really depends on the situation within specific states, which finally choose the attitude towards the minorities living inside the state territories. The question to be ask here, is why it is important to consider the national minorities and why should the national and local authorities protect them.

The position of the minorities within societies or states in general is in fact many times very difficult, mainly by the reason that these people are not a fully part of the whole nation and have different identity. This practically means, that they have different way of living and distinct cultural values different from the majority and thus as well various interests, which often clash with the interests of the official nation. The example of the education in the minority language could be named. The clash of the interest here consist in the idea of official language or one common language for all inhabitants in the country with the aim of giving everybody the same chance to educate themselves and thus better integrate to the society in case of national minorities speaking also different language than the rest of population.

However, the national minorities often have their own (national) identity diverging from the identity of the majority, which create the nation and the feel of nationalism. Both the majority and the minority's identity mostly stands as a centrifugal force, specially when there is a nationalism and a strong feeling of unique nation and national identity on one side and on the other the aspiration of the minority. More concrete, the centrifugal force lie in the opposite interests, nation-state and homogenous population within versus demands of national minorities for the recognition of fragmented society and cultural diversity inside states.

Hence the potential conflicts could appear and lead in a discrimination, racism, marginalization or on the other hand in autonomist aspiration of the minority, in a worse case also violence or even terrorism (like the case of the Basque in Spain or the Kurds in the Middle East – but this a radical example, where the violent way of

reaching the acceptance of even own state, is not accepted by the whole minority community) and so on. What is needed is to find a kind of balance between the majority and the minority and ensure the rights for a non-dominant group as well. The best in a way, where both communities will be satisfied and the rights of minorities will be acceptable as well for the rest of population and will not threat the unity of the state even somehow divide the nature of society. This balance is almost always broken detrimental for the national minorities. Sometimes they even don't have ensured basic human rights, but this is more actual for different continents than Europe. As a result the minorities face the problems as discrimination, because the only accepted identity is of the official nation and thus their rights or identity itself is threatened (such in case of Tibetians in China) or asimilation whereas the minorities loose unique cultural values, for example language because of undertaking different culture and identity.

Though in Europe, the basic rights for every human being, as well for members of national minorities, such as the right for own nationality, self-determination, non-discrimination, culture, language or taking part in a government are mostly ensured (one of the exception could be the political unstable state Belorussia). They are guaranteed by the various international legal instruments such as United Nation Charter, Universal Declaration of Human Rights or International Covenant on Civil and Political Rights (Varenes, 1996). Of course, there exists many national laws which modify the rights of national minorities inside particular states according to specific situation and needs. One of the recent legal instrument is the European Charter for the Regional or Minority Languages specializing in the protection and promotion of the historical regional or minority languages of Europe. Forasmuch as the language is one of the most significant mark of the national identity, it is worth talking more about this document, also because it is not much known within the academia, students or population in generall. It might be as a result of that the Charter is quite new and its importance or necessity can be still discussed. Therefore we will talk about the Charter and this issue in the next chapter, when we will try to discover what actually stays behind this kind of cooperation and also why it is obstructed by some states.

Before doing so, it is important explain beside the concepts of minority, identity and ethnicity, as it was done before, the crucial theories like nation, nation-state and nationalism, which define not only the perception of the nation itself, but also the relation of majority to the national minorities within states and the position of these minorities within societies. In consequence of understanding different point of view on it, will be easier to examine the European Charter for Regional or Minority Languages from more perspectives and the eventual reasons behind this kind of protection et cetera.

Nation, nation-state

Before explaining the term nationalism, it is necessary to clarify a conception of a nation. A **Nation** is shaped by a group of people creating a community with a shared historical heritage and culture. Nations are defined by objective characteristics as a territory, culture, religion, language etc. and subjective like an awareness of its nationality, affection, demands for national-self determination and so on (Kellas, 1998).

However, there exists two main theoretical approaches to idea of nation, essentialist and constructivist. In **essentialist** (primordialist) point of view is nation understood as natural and thus it is created naturally through development during history. Nations are then grown entities and the world is inevitably divided into nations. Contradictory is **constructivist** (instrumentalist) perspective which see nation as artificial creations and product of imagination within the meaning of imagined communities – so people imagine nations, because their minds tries to make a social construct out of their relationship with other people through a membership of group within society in global. Hence the nations are just the projects of elites and discourse of domination (Herb-Kaplan, 1999). Forasmuch as we consider here the national minorities mostly as a nations characterized by their own identity, we use basically the essentialist perspective, where the national minorities are also naturally created entities the same as the official nations are.

The term nation in fact carries two interrelated meanings. There is the „nation“ as the nation-state, and the „nation“ as the people living within the state. The linkage of these two meaning reflects the general ideology of nationalism (Billig, 1995: pp 24). According to the scholar A. Smith, a nationalist conception of the nation regard **nation** as a form of public culture, open in principle to all members of the community, or all the citizens of the national state, political symbolism and lastly of politicized mass culture, one which seeks to mobilize the citizens to love their nation, observe its laws and defend their homeland. As it was said, nations are characterized for example by territory, culture, religion or language. While the **nation-state** signifies a clear and distinct type of political community (Smith, 2001). A nation-state can exist only where more or less the whole population of a state belongs to a single ethno-national group and where the boundaries of the group and those of the state are co-extensive. Only then do nation and state coincide. But such coincidence is extremely rare, particularly in today's world of migration and cultural mingling (Smith, 2001). Basically, nation-state is taken as a notion of cultural and linguistic homogeneity associated with the rise of political nationalism, whereas the emphasis on this homogeneity is predicated on the notion of nation-state congruence which holds that the boundaries of political and national identity should coincide (May, 2001: pp 6). Therefore the fragmentation of society is taken negatively, because the nation-state is based on a one nation, political entity, occupying the certain territory and sharing the same culture, language or national feeling.

Much more common type of political community than nation-state is **national state**, state where the great majority of the population belong to a single or dominant ethno-national group, even though other small ethnic groups are found within the state's borders, and where the political community is legitimated in terms of the tenets of nationalist ideology (Smith, 2001).

Obviously, **nation-states** were the dominant form of political organization in the nineteenth century, practically till the Second World War, which brings huge changes of the ideologies and nature of states. Hence the nation-states nowadays in the time of globalisation and multicultural societies, where the idea of cultural homogeneity is not acceptable, face to the challenges of acceptance the existence of cultural and linguistic diversity on their territories. The principle of nation-state congruence have been namely brought increasingly into question by national and ethnic minorities within nation-states. What such minorities are asking is simple and direct – why should the notion of a homogeneous national identity, represented by the language and culture of the dominant nation or ethnic, invariably replace cultural and linguistic identities that differ from it? This „intolerance of difference“ (Billig, 1995: 130) embedded within the structural organisation of nation-states has resulted in the historical subjugation and, at times, evisceration of the traditional languages and cultures of minority groups. For centuries this process has been „validated“ on the basis that it is necessary for establishing social and political cohesion, or „civism“ (Bullivant, 1981) within the nation-state. But it is a cost that many minority groups are simply no longer prepared to pay (May, 2001: pp 307). This words simply say, that the national minorities has been enforced to loss of their own ethnic, cultural and linguistic attributes in favour of the nation-state and the common identity.

To conclude this section about nations, some national minorities create particular nations as well – of course, if they desire it and also keep their own identity instead of acceptance of official identity (/identity of official nation). Their position within states differ, specially in the nation-states, where they are just part of the nation or community as a whole and have the same rights as the majority. This also means for example, that they don't have any rights to use their own language in public or in education. Though, nowadays in time of globalisation and idea of multicultural societies, the states are challenging the cultural and linguistic diversity and the nationalism of the particular minorities in general.

Nationalism

Nationalism is much more than a political ideology, it is also a form of culture and religion. Nationalist conception of nation is it is was said above understand as a form of public culture. Nationalism then demands the rediscovery and restoration of

the nation's unique cultural identity and this means returning to one's authentic roots in the historic culture community inhabiting its ancestral homeland (Smith, 2001).

Nationalism basically seeks to defend and protect the interests of specific nation and its identity, which in my opinion influence a posture towards minorities within a political unit the most or on the other hand create the self-identification of the minority itself. So, nationalism is both an ideology and a form of behaviour. The ideology of nationalism builds on people's awareness of a nation (nation self-consciousness) to give a set of attitudes and a programme of action (Kellas, 1998). We can simply say that it is based on an idea of a nation.

There exist three basic types of nationalism: ethnic, social and official nationalism. The most open form is a **social nationalism**, which is based on a shared national culture, but not on a common descent. Therefore it is inclusive in a basis, which means that each citizen of state or even outsiders, even different nationality of origin, can join the nation through adoption of its culture. Examples of the social nationalism could be the Scots, the Catalans, the Ukrainians or the Russians, where anybody can join the nation socially and culturally (Kellas, 1998). The **official nationalism** is the nationalism of the state and the all citizens within but irrespective of their ethnicity, national identity and culture. It is also characterised by the patriotism, which is basically love and devotion to one's country (Kellas, 1998). It can be said that this form was wide-spread especially in the last century, also when new ideologies appeared, like nazism or fascism which were basically founded on this idea of the exclusive nation – race pure/unalloyed nation, but these forms are extreme. Great examples for this category are french or american nationalism. Citizens of particular states regardless of their ethnic or national identity, want to defend the state as a whole and its interests. The **ethnic nationalism** defines the nation in exclusive terms, whereas it is found on common descent. The good examples are the Kurds in the Middle East, the Tamils in Sri Lanka, the Basques in Spain and France, the Irish in the Northern Ireland (Kellas, 1998). It can be said that this is the nationalism of ethnic minorities and thus as well of some national minorities who don't feel the part of official nation (then it would be official nationalism).

In connection with relation to national minority issue, we meet all of these forms. Each one is connected with various tasks or even problems and also creates a different environment within particular political units or states. For our purposes it is more relevant to consider the social and ethnic nationalism. Official nationalism is namely typical for the major population within states and sometimes also for some minorities living inside. But in my view, mostly for migrants and rather rarely for the members of the national minorities. In their case, they have ethnic nationalism which is sometimes very strong and hence the minority demands more rights or even autonomy.

As a form of political behaviour, nationalism is closely linked to ***ethnocentrism***, which is a behaviour underlying nationalism and racism on the basis of emphasis on the individual ethnicity or identity. So there is one major ethnic or nation which has a dominant position in society and stays against the other ethnic groups within the same territory, which brings a potential for exclusion or asimilation of the national minorities and the smaller ethnic groups.

To conclude nationalism from our perspective and situate it in a proper context we can see the link between the position of minorities within a society or a state in general. Hence this ideology influence the relation between the majority and minority essentially. It creates environment within a state either more open to different ethnic groups and to promotion of minorities or more exclusive, which then causes the increase of potential to conflict between national and minority culture and possibilities of discrimination, asimilation, racism, exlusion or other negative forms of behaviour. Therefore the rights of the minorities should be guaranteed also by the government (only only by international law) which can then better prevent such possible consequences. Obviously, dominance of the major nation will be always here, but there should be a respect towards the other nations or ethnic groups within the state territory. It should be in the interests of each state to create a good environment within its own territory and thus show on the international ground that it is able to ensure the minorities rights and prevent any conflicts.

Concluding this whole introduction section about minorities, nations and nationalism, it may be argued that the minority issue is more broader than it is seems to be in the beginning. It can be seen from many different perspectives, from legal (the minority rights), social (relation between minority and majority) or political perspective (minorities within the states/nation-states and their nationalism). There are also many disputable questions like the rights of minorities and their protection or promotion. We can also say, that the concepts like identity, nation and nationalism should be considered when we speak about the position of the national minority within a society and a relation between the majority and minority. Hence the ideas of a nation itself and his exclusive or include character, multicultural or nation-states, given ethnicity of the minority groups or an artificial construct, official-nationalism and on the other hand the antagonistic ethnic nationalism, and this compendium could continue.

All in all there are many factors affecting this relationship between minority and majority, the environment within a state in general and lastly the ethnic policy. In summary we have shown the possible ways of viewing minority, nation and ethnic group, in so doing a national minority as well, and mentioned problems which can appear, like for example discrimination, racism, asimilation, marginalization or

exclusion et cetera, coming mainly from official-nationalism and the idea of race pure nations.

The question to be ask here is: why we should protect the national minorities and why it is important, eventually what stays behind the protection of the minorities. In my eyes, the answer is clear. We are living in the time of globalisation, the spread of inclusive cultural values (it means that anybody can accept distinct cultural values, religion or identity in general and thus some groups try to distinguish themselves from the others and keep their own ethnic identity alive) and on the other hand in the time of disappearance of some cultures or in particular languages¹, because some unique ethnic identities are assimilated under the pressure of a society, dominant population. Or they just accept identity of the official nation or only accept its language and in consequences, their origin language went back beyond. Hence in my view, it is important to enable the promotion of the minorities' rights if they desire and save varied identities and cultures in the world, in our case in Europe.

Therefore a protection of the national minorities is, in my opinion, needed – of course if the national minorities themselves create compact communities and really desire to keep their identity and culture, included language, alive. Then it is worth to giving them kind of privileges or rights to enable the integration into the society with their own identity different from the majority. Otherwise, states should be or could be more concerned with this issue and try to find a balance between the majority and the minority rights within their territories. Some of them have already been doing so. Of course, situation within states differ and thus as well the position of the national minorities. There exists more perspectives and also positive and unfortunately negative sides of the protection of minorities. Therefore states react differently, but surely they are influenced by the concepts of nation itself or nation-state and nationalism.

Though, which way of doing so is the best and what are actually the interest of states or nation-states? Is the protection of national minorities through provision of specific rights to keep their identity and also for example use the minority language in public or even education in this language (if we talk about the European Charter for Regional or Minority Languages) the best way? And do nation-states pass or omit specific minority rights or it is also kind of protection. Because as a result of homogenous cultural and linguistic values inside the state, they will have the rights and opportunities as all citizens, also thanks to education in the official language. So these could be different point of views on the minority rights, also presented farther within the frame of the European Charter for Regional or Minority Languages and the case study about Polish minority in the Czech Republic.

¹ Linguists predict that by the middle of the twenty-first century, at the current rate of language loss, there will be only 300 spoken languages on the earth down from approx. 6000 in the twentieth century (BRADEN -SHELLEY, 2000).

Problem area and problem formulation

From the previous text it is evident that the focus is on national minorities (or eventually indigenous people, because they are facing almost the same „problems“ as national minorities) - though more in detail on the Polish minority in the Czech Republic - and their rights, especially linguistic one. Language is namely one of the basic elements of ethnic/national identity and we can say that it is also one indicator of the loss of a specific culture. Language is basically a crucial part of national identity and hereat in many case the heart of the conflict in society, because it stays in antagonistic position to the language of the major population. Hence the deeper protection of the minorities also in this field is significant, otherwise the unique identities, cultures or if you like languages could henceforward expire.

In fact, it is proved by social scientists that unique languages and culture are dieing away and it is predicted on present trends that between 20 % and 50 % will „die“ by the end of the twenty-first century – whereas in the current world there are approximately six thousands languages spoken (Kraus 1995 in May, 2001: pp 1). As a result there exist tensions to keep these unique identities of national minorities alive (if their members have will to do so) and thus prevent them from the nation-states, who prefer homogenous community with same values including language, and also from globalisation trends, which brings universal values among people from all over the world.

Therefore the emphasis in this project is on the European Charter for Regional or Minority Languages, a legal document created by the Council of Europe, which ensures protection and promotion of the minority languages through concrete measures, but at the same time give states a chance to choose protected languages and the way of their protection. Hence there is a space for own decision depending on particular situation within states and its perspective. We will examine the case of Polish minority in the Czech Republic in the Moravian-Silesian Region, which will transfer all used concepts to a real world and give us a better perspective on this issue.

All in all, this study argue not only the promotion of minorities rights and the relation between majoritiy and minority within states, but mainly the ***interests behind the collaboration of the European states in the promoting of minority languages and the minorities ´s rights in general through the European Charter for Regional or Minory Languages and what are the reasons to obstruct it.***

To get the answers on this questions, we will look at the Charter and the language issue in generall and then try to examine the impact of the Charter on a real life of national minorities. The way of doing so is described in methodological part below.

Methodology

To examine the problem area and answer the question asked in this research (interests behind the collaboration of the European states in the promoting of minority languages and the minorities's rights in general through the European Charter for Regional or Minority Languages and what are the reasons to obstruct it) were used methods such as an excerption of the literature, interview, case study and of course, analysis of all these sources of information.

Firstly, an excerption of the literature and its analysis was necessary as the (theoretical) background for understanding particular issues and helps us with the definitions of crucial terms such as nation, nation-states, identity or nationalism. Also the analysis of the document the European Charter for Regional or Minority Languages, which is basically main scope of this study, was needed to find out what it is actually about and why some states have ratified it while the others have obstructed it. Secondly, a case study of the Polish minority in the Czech Republic was chosen in consideration of my own experiences (I am living in the town, where the Polish population is the absolutely highest), show an impact of the European Charter on a real life. Here I used the opportunity to make an interview with Mister doc. RNDr. Tadeusz Siwek, CSc., a professor in University of Ostrava and at the same time a chief executive of the Czech Geographic Community and a member of the Polish minority in Czech Republic, more precisely in the Moravia-Silesian Region. Thanks to his information I got a nice overview about the position of Polish minority, especially in Cieszyn Silesia and the development of their relationship with the major population. His information also somehow compensated the lack of available literature here in Denmark on the topic of Polish minority in the Czech Republic.

Obviously, it would be worth using more empirical data for example to do more interviews also amongs the members of Polish minority and local administrations within Moravia-Silesian Region or even do a field research into the area with the higher amount of Poles and thus pick some information from various point of views or various positions (in the meaning members of this minority, major inhabitants, political actors within particular communes, where many Poles live et cetera). Unfortunately this would be much more demanding for time and hereat impossible and unreal for me in these circumstances.

So the methodology used in this work was chosen in consideration of my real possibilities and available sources. Let's have a look more closely what kind of issues or problems were investigated and how, and how to get the final answer we are looking for – what kind of interests stays behind the protection of national minorities within the European Charter for Regional or Minority Languages.

Before investigation of this task, I firstly look at the concept of the language itself, which give us idea about the minority language and its position and thus introduce the protection of minority languages. There is introduce the Fishman's Graded Intergenerational Disruption Scale for language shift and condition for language use, which will be helpful in the case study to examine the position of the Polish minority, polish language and also the depth of integration into czech society. Then I can finally start to explain and analyze the European Charter and the interests behind, so I go through its overview, and structure, and analysis of background of its creation to the final discussion about the ratification, where I am using the particular states as examples to deduce the reasons behind the ratification and on the contrary for the obstruction. Therefore I try to look as well from the perspective of the nationalism and the nation-states (theories explained in the introduction part), also on the example of the Czech Republic and the effects of existence of the national minorities on the national cohesion on such country or nation-state.

Farther I continue with detailed examination of the case of the Czech Republic and its national minorities such as Slovak, Romani, German and Poles, which are the main scope of this case study. In this part I try to investigate the differences between the position of all minorities with emphasis on the Polish minority, which I chosen because of its kind of special position within society and also because I am actually living in the Moravian-Silesian Region, which is the place where the Poles create compact community, and thus this case is more closer to me and easier to understand than for example the case of Romani, which would be very demanding to get into this problematic of Romani minority. The next reason for my choice is also the fact that only the Polish and Slovak languages are included in the broader protection within the European Charter for Regional or Minority Languages while Romani and German are included only in the second part of Charter with basic principles and objectives and thus the analysis of the position of these minorities and the impact of the European Charter would be much more harder.

So the case of Poles and Polish language was the best choice for closer understanding of the intention and effects of the European Charter for Regional or Minority Languages. I will investigate there the position of Poles within society in general also through historical overview and information gathered from the interview and also through comparison with the other national minority groups – why the position of Poles is different, why they haven't been asimilated, what kind of protection and ensured rights do they have and how does it affect their life – if for example polish elementary schools and cultural institutions help to create Poles more opportunities or on the contrary also constrain them in a social life somehow. Or generally, if the concetration of minority group help keeping their identity including their own language and why some of the minority rights like language rights are not accepted by some individuals or groups of individuals.

2. The minorities and the European Charter for Regional or Minority Languages

Through the introduction we finally got to the main part focusing on the protection of the regional or minority languages (important part of the national minorities' identity), therefore the European Charter for Regional or Minority Languages is examined here and then farther a case study of the Polish minority in the Czech Republic in the Moravian-Silesian Region. It must be said that this example is not, in my opinion, a controversial one, because the language of this minority is neither threatened nor unacceptable from the side of majority society, moreover, it is spoken in the neighbouring country Poland. On the other hand it is more easier to examine than the other national minorities like Germans or Romanis. In fact, it will bring information about the position of this minority within society and the interests behind its protection and its consequential impacts, as well the impact of the European Charter. Basically it will bring better understanding of the intention of the Charter and therefore the interests behind the ratification or eventually reasons to obstruct it.

Before the analysis of the European Charter for Regional or Minority Languages and the case study of Polish minority in the Czech Republic, let me start with the concept of language itself, which give us idea about the minority languages and their position and thus introduce the issue of protection of minority languages as a part of the (national) minority protection in general.

The minority language issue

At the beginning there should be explained the basic definition of language for our purposes. First of all we distinguished the **official languages** which can be any languages declared officially by the state for the whole territory through a legal document of constitutional status (Vieytes, 2004: pp 30). The official languages can be also **less widely used** on the whole or part of the state territory. This is the case of multi-national states like the Switzerland and for example the Romansh in the Swiss region Graubünden.

The next sort of language are **regional or minority languages** which are used within a given territory of a state by minorities, a group numerically smaller than the rest of the population of the state, whereas the language has to be different from the official one and at the same time can't be the dialects of the official language or even the language of migrants (Vieytes, 2004: pp 30). As we mentioned before,

migrants and their language as well are excluded not only from the Charter but also from our study in general.

And the last group are **non-territorial languages** which has the similar characteristics as the previous regional or minority languages with a difference that these non-territorial languages are traditionally used within the territory of the state and cannot be identified with a particular area, for example Yiddish and Romany (Vieytes, 2004: pp 30). The definitions of regional or minority languages and non-territorial languages are basically a part of the Charter itself – it is included in the first part called „General Provisions,“ article number 1. These languages of the national minorities are under the protection of the European Charter as a part of saving their identity and prevent discrimination or even asimilation with the major population. In this study we will work especially with regional or minority languages which is also a case of the Polish minority in the Czech Republic in Moravian-Silesian Region.

Now, I would like to clarify basic discussion about language and language policy in general, in connection with minorities. **Language** is an important part of national and ethnic identity as well. Therefore languages of majority population might clash with the minority languages especially inside the nation-states, because they disturb the linguistic unity and nation-state congruence. State then has to face demands of the particular minorities for representation of their language in the public domain and to state-supported minority-language education (May, 2001). Hence the interests of the linguistic homogeneity and on the other side the promotion of minority languages in public clash. It may be a huge problem mainly if the use of official or majority language by public authorities is exclusive – it means that the official language is the only one accepted in the public domain - and the individual usage of the minority language restricted and thus basic human rights, such as freedom of expression, limited like in most of the nation-states. These can lead to a violence or conflict especially when the ethnic groups/national minorities or indigenous people struggle for their rights and want to keep their identity and language alive – particularly if they are aware of the loss of their language. In fact the loss of the minority languages is a reality and it almost forms part of wider process of social, cultural and political displacement (May, 2001: pp 4). This is probably one of the reasons or interests behind the promotion of the regional or minority languages within the European Charter for Regional or Minority Languages.

It should be stressed that there exists an assumption that between 20 and 50 percent of world languages (from the total number 6000) will expire by the end of the twenty-first century (Kraus, 1995 Quoted in May, 2001: pp 2). Some scholars even talk about a **language genocide**. „A survey by the US Summer Institute of Linguistics, published in 1999, found that there were 51 languages with only one speaker left, 500 languages with fewer than 100 speakers, 1500 lang. with fewer than a 1000 speakers, and more than 3000 lang. with fewer than 10 000 speakers. The survey went on to reveal that as many as 5000 of the world’s 6000 lang. were spoken by

fewer than 100 000 speakers. It concluded, even more starkly, that 96 per cent of the world's languages were spoken by only four per cent of its people (Crystal, 1999). These figures graphically reinforce an earlier suggestion made by Michael Krauss (1992,1995) that, in addition to the 50 per cent of languages that may die within the next century and further 40 per cent of languages are threatened or endangered (May, 2001: 2-3).“

One of the causes of the loss of some minority languages is probably the **language shift** of speakers of the minority language to the majority language under the pressure of society.

The process of the language shift can be described by **three broad stages**, according to the scholars Baker and Jones. The first one is characterized with increasing pressure on the minority-language speakers to use the majority language particularly in a public domain, also in education. The consequence is a decrease of public or official functions of minority language. In the next, second stage both languages are spoken parallel, hereat it is seen as a bilingual period. However the number of minority-speakers is decreasing especially among the younger generation. The last one actually means the final shift to the majority language and thus the minority language in this stage is no longer spoken as a wider language of communication because it is spoken or remember by a few residual group of language speakers (Baker-Jones, 1998 In May, 2001: 1-2).

An alternative formulation of this process of shift from minority language to majority language is Joshua Fishman's **Graded Intergenerational Disruption Scale** (GIDS). It differs from the previous division in the detail description of the particular stages of the languages shift, thus we can clearly define the level of the minority language spoken within particular territories and at the same time kind of identification of the level of protection of national minorities in general or depth of integration. In consequences I find formulation of language shift useful and better for easier recognition of position of the national minority within society, language usage or depth of integration national minorities into society because language is basically part of ethnic or national identity. Obviously, it also helps to identify appropriately the needs of a give language community and formulate the priorities for language protection and promotion (Grin, 2003: pp 42).

So the Fishman's Graded Intergenerational Disruption Scale has eight stages where the eighth stage represents the highest, and the first the lowest degree of threat:

Stage 8 represents the lowest rung of the ladder of language vitality. It describes the situation of a language that only has vestigial speakers and often no written standard.

Stage 7 represents the case where speakers of the reg. or min. lang. are socially integrated, but are mostly past child-bearing age, which means that they can no longer contribute to the number of minority-language users demographically.

In stage 6, there is reappearance of the intergenerational family functioning in the minority or threatened language. This is a strategically key stage and the core of language revitalisation, because the languages are reinforced (within the frame of home-family-neighbourhood-community) and continue to survive and in most case, even to thrive without going on to subsequent or higher stages.

Stage 5 includes regional or minority language literacy in the home, school and community, but such literacy remains restricted to the confines of the community, that is, it enjoys virtually no official recognition and support. Reaching this stage allows a minority language to remain intergenerationally secure.

Stage 4 represents a major break. There is language revitalisation where the regional or minority language gains some official recognition and moves into mainstream formal education.

In stage 3, use of the regional or minority language is present and relegitimised in the lower work sphere, thereby recovering one more domain.

Stage 2 represents the case where the minority language is used in lower governmental services and the mass media, though not in the higher spheres of either. It clearly represents an important step towards towards full recognition in formal domains.

At the stage 1, the regional or minority language is used in higher education and in the higher reaches of government, media and professional life. However, it doesn't mean that language revitalisation is complete and that language policy is no longer necessary. Nevertheless, reaching this stage ensures that language revitalisation has by and large succeeded in recreating a natural, living language community with „normal“ use of the regional or minority language (Grin, 2003: pp 41-42).

This scale will be as well used in the case study of Polish minority in the Czech Republic for the investigation of its position in the society, including the level of polish language use and its protection by the state.

When we examine the position of minority languages and the language shift, we should also consider **conditions for language use** as capacity, opportunity and desire (willingness) which are necessary for language use. Capacity as the knowledge of the minority language and possibility to learn it for the members of the minority. Opportunity as a possibility to use language in private and public domain and lastly desire or will of the speakers to use their language. Without them it would not be possible to avoid the language shifts (to official/majority languages). Thus policy measures should ensure all of them: capacity as a possibility to learn the

language, opportunity to use the language in a public and lastly encourage their desire to use it (Grin, 2003). All depends on the environment within particular states also influenced by perspective of nation/nation-state, nationalism or eventual ethnocentrism.

Nowadays we are living in more multicultural societies where more people and some authorities are aware of the unique position of language and importance of its protection as a part of protection national minorities. Hereat the linguistic policies became more important and more discussed than in the past. The idea of homogeneous community with common identity and language had changed in the consequence of different life style and the change of the society, in which the cultural characteristics and ethnic/nation identity became more important. Thus states, also some nation-states, realize the importance of the cultural diversity and recognize the national minorities within the state territory and some of the minority rights. So on one hand the nation-states and persisting idea of homogenous nation with the same rights for each citizens (thus there are no special rights for national minority and the minority language might be threatened by language shift and eventually final disappearance of the language) and on the other hand more „liberal“ states accepting the cultural diversity inside. Language policy might be more important also because of the loss of language and increased ethnic nationalism and national minorities's demands on their rights. Therefore the promotion-oriented rights for minority languages of national-minority groups could be ensured.

Some governments even accept new law instruments creating by this purposes to improve the position of some minority languages. One of them is the **European Charter for Regional of Minority Languages** which addresses and restricts only the rights of national minorities in contrast to most of the others international declarations and treaties dealing with minorities in general. More precisely it focuses only on the regional or minority languages and the possibility and rights to use their language also in a public sphere whereas the concept of language here concentrates primarily on the cultural function of language. Nevertheless there are still many questions and things to be handled and solved in connection with the European Charter, language rights and minorities.

An overview of the Charter

The European Charter for Regional or Minority Languages is a unique international legal instrument focusing on the protection and promotion of the historical regional and minority languages of Europe as a part of European cultural heritage enabling speakers of a regional or minority languages to use their languages in a private and public life. It is based on broad principles of international law and on the perception of linguistic diversity including regional or minority languages, and it explicitly respects national sovereignty, the territorial integrity of the European states and the importance of official languages (Grin, 2003). Basically it is more a political document than a rights treaty because it doesn't bring either an exactly strictly defined obligation for its protection or even the list of regional or minority language. The European Charter namely contains a list of practical measures in specific domains of language use like education, judiciary, media, culture and social life et cetera and gives the states flexibility to choose the languages and appropriate solution with regard to the particular social, cultural or political situation within a state. Obviously, there is a certain amount of the articles (35) which has to be accepted by each state, but the final decision of the whole concept for the protection is up to the state authorities (to choose how the minority languages will be protected²). In consequence the promotion of national minorities differs state by state (Grin, 2003).

In my opinion, it really depends, what is the situation within a particular state. If the state is a nation-state, in the meaning based on the idea of one nation with specific culture and common language (nation-state), then the formulation or acceptance differs from a multicultural state which is more open to minorities living within the territory and to their demands. The first point of view from a nation-state is basically different, because it stresses one common culture and language and therefore is not so open or flexible to the minorities living within a territory. Of course these states also care about the basic rights for minorities but with a various perspective. The state authorities want to give all the inhabitants including the national minorities the same point of departure for future life, therefore they are not that flexible with supply of many „privileges“ for specially the language use than multicultural states.

The other thing which influence the final choice of a state to ratify or obstruct the Charter or which influence an attitude to national minorities in general is a fact how „big“ the population of national minority or minority-language speakers within a territory is, and this also varies inside Europe. Some languages cover a relatively large territorial area and thus are spoken by a substantial population and enjoy a certain capability of development and cultural stability. On the other hand there are

² Minimum of accepted paragraphs is 35 from 8-14 articles, whereas a minimum of three each must be chosen from articles 8 and 12 and one each from article 9, 10, 11 and 13 (Grin, 2003)

also languages spoken only by a very small proportion of the population in a restricted territory and don't have such a potential for survival, development and cultural stability (Council of Europe, 1992). Hence I think that a social and cultural context is important when the states consider the national minority rights, particularly language rights. Also the wishes and desire of the national minority itself are significant. Do they really want to keep their own ethnic identity and use their language or do they want to become a part of a social nation in a state in the meaning part of one nation with common cultural characteristics likewise common official language. All in all it lays also in the conditions for language use such as capability, opportunity and desire, which are necessary part of the minority language use and its protection – because without these conditions the promotion would be faint and useless.

It should be emphasised that the European Charter respects the principles of national sovereignty and territorial integrity through a liberal choice of specific measures by states and therefore there is always a need for national minorities to know the official language otherwise they would lose a social contact with the majority speaking differently, also for example would lose an opportunity to continue studying on the higher level (if the state doesn't have give a possibility to study in university in their language – this option is also included in the Charter but very rarely used or even not used) or to get a good job and gain a higher position within a society.

All in all the European Charter for Regional or Minority Languages set a measure for protection of minority languages, but doesn't make these languages exclusive by creating other quasi-official language within a state or by putting the languages on the same level as the official. The minorities should still learn the official language of a state to be able to communicate with the majority population and in so doing prevent marginalisation (to become exclude because of mutual disability to understand or interact to each other) and gain better position within society - if they want to get a well-qualified job or study at university at cetera.

To sum up, when we are talking about the Charter we should consider the differences of national minorities in European states and the political, cultural and social context before judging why the particular states have ratified the Charter, which parts/measurements for which language and why, or why some of them have neither ratified nor signed the Charter at all. This issue of ratification and obstruction will be discussed later, but firstly there will be presented the structure of this legal document and the background of its creation. This will help us to understand what the Charter really is. The preamble of the European Charter for Regional or Minority languages is attached in the appendix.

The structure of the European Charter for Regional of Minority Languages

The Charter consists of the preamble and **five parts** all in all **twenty-three articles**, which are then more precisely divided into specific kind of measurement. The first part contains general provisions like necessary definitions of languages, which had been presented in the previous part about the minority language issue, and the undertakings. Each Party undertakes to apply the provision of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1. In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13 (Council of Europe, 1992).

The second part of the Charter specifies objectives and principles valid for all languages (Council of Europe, 1992). It is worth naming them:

- *recognition of regional or minority languages as an expression of cultural wealth and the need for resolute action to promote these languages*
- *respect the geographical area of regional or minority languages (especially if the states plan to change administrative borders)*
- *the facilitation and encouragement of the use of language in public life, such as education, administration, courts, media and economic or cultural life*
- *providing education in a language or teaching the language as a subject*
- *promotion and mutual understanding between all linguistic groups of the country*
- *the crucial role of the mass media to the the promotion of mutual understanding and respect for others and their cultures and languages*
- *actively promote exchanges across national borders (availability of media, cultural contacts or cooperation to develop the curriculum of a language)*

(Council of Europe, 1992)

The third part of the European Charter concerns about specific measures to promote the use of these languages in education, judiciary, public services, media on different kind of levels – for example language use in pre-school, primary or high education, in administrations, in criminal and civic proceedings, in media such as radio and television or cultural and social life (Council of Europe, 1992). The various levels of promotion are clearly described in the paragraphs. This is the part where the states have flexibility to choose measures in accordance to their needs and the

political, cultural or social context. It can be said, that the article number nine about judicial authorities, is one of the most difficult to accept for some states (Grin, 2003).

The fourth part of the Charter set the rules for application of the Charter as monitoring system and periodical reports to the Secretary General of the Council of Europe. The first report shall be presented within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report (Council of Europe, 1992). Of course, the reports have to be available for public. These reports are examined by special committee of experts, who prepares a report for the Committee of Ministers with particular proposals and then the recommendations for states might be created. Otherwise, the Secretary General of the Council of Europe shall make a two-yearly detailed report to the Parliamentary Assembly on the application of the Charter.

The last part contains final provisions about the ratification, acceptance or approval. It could be stressed that the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval (Council of Europe, 1992).

All in all the European Charter is open to all members of the Council of Europe and each state can choose specific measures for all the minority languages according to the particular situation within its territory. There is only one requirement, everyone should choose thirty-five undertakings from at least six areas of public life contained in part three. Therefore the Charter is a flexible and unique legal instrument containing practical measurement and solution for changing or adapting social environment with the national minorities within, desiring their rights also for the use of their language in a public domain. Moreover some states combine the Charter with domestic legislation or international agreements laying down a legal status for linguistic minorities. Sometimes the implemented policies go further than some requirements of the Charter (Grin, 2003).

Now, let's have a look at the background of the creation and the interests which stayed behind this and farther discuss particular interests of some European states to ratify or obstruct the Charter.

The background of the creation

The development of idea or concept of promotion the national minorities till the European Charter for Regional or Minority Languages goes hand in hand with the evolution of European legal and political thinking on the treatment of minorities in the second half of the twentieth century (Grin, 2003). In the past, the national minorities were not considered within the states, nation-states, because they were part of the

official nation as each citizen with the equal rights. Afterwards, when the new ideologies, various form of nationalism, appeared, the national minorities were even threatened or marginalized, if you like isolated, asimilated or disricriminated in generall, because they disturb the concept of nation-state and compact or even pure nation inside. The worst case was the smooting (or killing) of some minorities during the World Wars, like Jews or Romanis.

After the Second World War many things changed and society became more multicultural thanks to development of democratic society and tension of globalisation process, when the cultural identity were more important than ever before – in the past was the most importance thing the labour power not the national descent or cultural values. Also the national minorities demanded more than before and started struggling for some privileges within state territories and more pleasant environment.

The first step forward to establish a better environment and „legalize“ the rights of the minorities was the Universal Declaration of Human Rights created by the United Nations in 1948. This document is more universal and thus also valid for any minorities, even created by immigrants or refugees. Then step by step arised other legal instrument like the Convention for the Protection of Human Rights and Fundamental Freedoms adopted by the Council of Europe or Covenant on Civil and Political Rights in which was considered also the prohibition on language-based discrimination(Grin, 2003). Basically this kind of legal instruments protect the minorities in general, this means not only the national minorities but also the minorities created by migrants. That is why they ensure just the basic human rights, basic freedoms, whereas the languages is mentioned there only generally. Hence the European Charter for Regional or Minority Languages were created to fill in a gap and establish promotion-oriented rights for the national minorities, which is basically an automati right to formal representation of their language in the public domain and state-supported minority-language education (May, 2001).

A real precursor of the Charter might be regarded the Recommendation 928 (1981) on the Educational and Cultural Problems of Minority Languages and Dialects in Europe adopted by the Parliamentary Assembly of the Council of Europe. And only nine days later, the Europen Parliamnt adopted the famous Arfé Resolution. Both documents recognize national or ethnic minorities, self-determination, autonomy et cetera and instead focus on matters of language and culture (Grin, 2003: 56 pp).

The steps which finally led to the concept of the Charter were the Standing Conference of Local and Regional Authorities of Europe³ and its public hearing Towards a Charter of European regional and minority languages in 1984 with the presence of 250 representatives of small linguistic communities (Grin, 2003: 57pp). At the conference the document presented information about the situation of the

³ Made up of local and regional elected representatives from the member states of the Council of Europe, now known as the Congress of Local and Regional Authorities.

languages in Europe and fundamental texts on the the protection of the rights of ethnic and linguistic minorities. This text was then rewritten by the expert commity to the final form of the European Charter for Regional or Minority Languages (Grin, 2003). On 23 June 1992 it was adopted as a legal form of a Convention - whereas twenty-eight member states of the Council of Europe, non opposed the Charter, five obstained: Cyprus, France, Greece, Turkey and the United Kingdom (Grin, 2003). Then on 5 November 1992 the Charter was opened for signature and nowadays twenty-three states have signed and ratified and made it everyday practice for a majority of European citizens. All in all the actors behind its creation were the local and regional representatives from the member states of the Council of Europe and the representatives of some linguistic communities who realize the importance of cultural and linguistic diversity and promotion of minority languages within states.

To sum up the Charter, it was created as a need for solving problems connected with the minority languages such as threatening these languages and eventual loss of particular languages, gap in the national minority protection, increase of ethnic nationalism from the side of many national minorities during the last century. The European Charter accepts the existence of cultural and linguistic diversity on the states territories and thus protects them but at the same time respects national unity or territorial integrity and official language as well (Grin, 2003).

Let me now introduce you perception of the European Charter for Regional or Minority Languages by the member states of the Council of Europe and some particular cases.

Discussion about the ratification

The European Charter for Regional or Minorily languages has been ratified by twenty-three states so far. In this section it will be examined a little bit positive and negatives effects which could influence the decision making of states in the meaning ratified the Charter or not. I will try to discussed and analyze this issue with the aid of simple datas about the ratification, basic knowledge of political situation in the European countries and the concepts we were talking about in the introduction part such as nation, nation-state or nationalism. This will help us to understand reasons of particular states for ratification of the Charter or for its obstruction.

Firstly, there is an overview of states which have both signed and ratified the Charter (23), or have signed, but not yet ratified (10) and lastly neither signed nor ratified(14). I had created a general map for better perception and geographical imagination - you can find it in the appendix at the end of this paper.

- States that have signed and ratified the Charter (23)

Armenia, Austria, Croatia, Cyprus, Czech Republic, Denmark, Finland, Germany, Hungary, Lichtenstein, Luxemburg, Montenegro, Netherlands, Norway, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, United Kingdom.

- States that have signed, but not yet ratified the Charter (10)

Azerbaijan, FYR Macedonia, Bosnia a Hercegovina, Malta, France, Iceland, Italy, Moldova, Poland, Russia.

- States that neither signed nor ratified the Charter (14)

Albania, Andorra, Belgium, Bulgaria, Estonia, Georgia, Greece, Ireland, Latvia, Lithuania, Monaco, Portugal, San Marino, Turkey.⁴

As you can see the Charter has become a reality in many European countries and regional or minority languages are used there in a public everyday life and thus most of their speakers are able to learn and speak their language at school, fill in official forms in their language, could have somewhere street signs and place names in their language and can in their language listen to radio, watch television, read newspapers, enjoy cultural activities – all in their origin language within the meaning of mother-tongue language. Of course, only some of these minority languages enjoys such a promotion. It differs state by state according to the position of particular minority languages within the European Charter – in which articles are the languages included and thus what kind of measures is applied.

This is the Charter in use and its positive effects, mainly the supply of this kind of provisions or privileges improving friendly and social environment within a territory. The national minorities are satisfied then and don't create negative or conflicting atmosphere or don't initiate conflicts between majority and minority.

On the other hand there are also some negative effects which could, despite of accepting the Charter and creating such an environment, cause some problems like unfriendly attitude of few people or some extremist groups towards the minority who disagree and don't understand, why these people get this kind of „privileges“ or rights for example to have education in their language or bilingual boards in some municipalities et cetera. We can only guess and suppose the reasons for this unfriendly attitude according to our experience and knowledge of some basic „formula of human behaviour“ coming out from nationalist feelings. Or we could go through particular case of implementation of the Charter and I am sure that we would find a

⁴ Data from: http://languagecharter.eokik.hu/sites/BasicData/States_&_Charter.htm.

little bit more examples, especially because it is not so simple to apply it to real life without any negative effects or complicated situations concerned also majority population within a territory. However, the negative effects can be reflected in demonstrations, tendency to obstruction of some decisions in local administrations in favour of the national minority, xenophobia, eventual individual violence from the side of extremist groups (who are characterized by very strong nationalism) and so on. As a result the social environment could be disrupted. I will also try to discuss the positive and negative effects in the case of the Polish minority in the Czech Republic in Moravian-Silesian Region.

Let's have a look at the European states and their division according to the ratification of the Charter. By the way, in the appendix, you can find a list of languages, which are under the protection of Charter or which were actually chosen to be protected by each of twenty-three states that has ratified the European Charter for Regional or Minority Languages.

When we look at the first group of twenty-three states which have ratified it, we can see here some „modern“ western and nordic states or also post-soviet states as well. Basically there are mostly states which were traditionally living with the national minorities within and which realized the importance of the minority rights protection (in some cases also the language promotion) before the European Charter for Regional or Minority Languages came. Like for example the **Switzerland**, where the languages of the national minorities are institutionalized in the sense that they are official at the same time in the particular region. It might be connected also with the fact that these minorities create compact communities in specific regions, thus there are much less conflicts. These languages, even they have official status, are also under the protection of the Charter and thus profit from that. The next very nice example in this category is **Spain** with the traditionally used Catalan, Basque or Galician languages. These national minorities also create compact communities within particular regions and are characterised by their own ethnic identity and by the ethnic nationalism and therefore they were able to reach this kind of position inside the state. This is similar in case of the **United Kingdom** with for example Irish, Gaelic, Scots and Welsh, **Denmark** with German-speaking minority in the south Jutland on the border with Germany and the **Czech Republic** with Poles in the historical region Silesia et cetera. So the states, who faced the strong ethnic nationalism and demands of some compact minority communities, recognise the national minorities within its territory and ensured them rights, newly also within the European Charter. Nonetheless, we can find in this group of states, which had ratified the Charter, also political unstable states such as **Serbia**, **Montenegro**, **Ukraine** or even **Armenia** have also ratified it. They have a „stormy“ history (in the meaning conflicts, political instability) and have maybe more experience with threatened rights in general. This could also influence their decision to ratify the Charter, in the meaning of to care more about the national minorities within their territory and became more democratical and tolerant to their rights. But one of the core reason

could be the fact, that the states can choose the level of protection and measures for particular languages. It is interesting, that the ministates **Liechtenstein** and **Luxembourg** has ratified the Charter, although there are in fact no languages under the protection according to datas from the Database for The European Charter for Regional or Minority Languages. All in all the reasons for the ratification of the European Charter are historical, political and social situation within the states, the compactness of the (national minority) communities in particular regions, ethnic nationalism of the national minorities or a liberal perspective of states or nation-states where different ethnic/nation identities are accepted.

The other group of ten states that have signed, but not yet ratified the Charter compose from states with traditional strong nationalist feeling such as France and Italy, and also Russia and then also some political unstable state like Azerbaijan, Moldova, Bosnia and Herzegovina or Russia. **Russia** has a lot of national minorities in its huge territory which make it very difficult, hence it is understandable that they haven't ratified it yet. They even face regional and international problems last time connecting with the russian policy which is beeing criticized by the international organizations and the „western“ states. It would be also complicated from the economic or financial point of view to ensure this implementation of the Charter there. In **France** and **Italy** probably clash the main interests of majority population and minority groups because of the different perspective of nation, nation-state and nationalism - these states are famous for their traditional nationalism, especially France and its idea of nation-state with the same nation identity and equal rights for each citizen. The problem is also in the clash of the Charter with individual state legal instruments relating to national minorities within a territory which then inhibit this ratification or make it more complicated. In consequences these states has only signed, because the process of the pretection and promotion of minority languages is in their case much longer. It is interesting to noticed that **Azerbaijan** have not ratified the Charter but its neighbour Armenia has. Because both states are still in a coflnct about the territory Nagorno Karabach (in Azerbaijan but primarily Armenian populated) and Nachicevan (an Azerbaijan exclave). So we can understand why Azerbaijan is in that group – because they are even in a conflict with the minorities living within, specially armenian minority which is bigger than the major population.

Then we have the last group of fourteen states⁵ which had neither signed nor ratified the European Charter: Albania, Belgium, Bulgaria, Ireland, Baltic states Latvia, Lithuania and Estonia, ministates Andorra and Monaco, Georgia, Greece, Portugal, San Marino and Turkey. We can say that **Greece** is also state with traditional nationalism and hence the minority rights are not accepted in any broader or higher level. The minorities there might have just equal rights as each citizen ensured by the national law. In my opinion, a post-soviet state **Georgia** has political

⁵ You may notice that the states Belorussia, ministate Vatican and new formed state Kosovo are excluded from this division. That's because they are not members of the Council of Europe, which stayes behind creation of the European Charter for Regional or Minority Languages.

problems connected with the relation with Russia and separatists movements within a territory and thus has a lot to solve, so no wonder that the haven't occupied by „any Charter“. In **Belgium** the problem might be somehow connected with a tension or „conflict“ between the Dutch-speaking Flemings on the north and the French-speaking Wallons of the south, although both ethnic groups or nations create majority, first one in the region Flanderler and the second in Wallonia, and the languages are both official - otherwise the region of Brusell is bilingual and there is also a german minority in Belgium so the german language is also used in privat and public life. All in all the situation might be a bit complicated because of the nationalism specially of Wallons. Situation in **Ireland** is might not be simple due to a a political or cultural situation within a country and some differences in a perception of identity (religion included) or nationalism. All could be also connected with the political situation in relation to the neighbouring Northern Ireland, part of the United Kingdom. Finally we can say that the reasons for obstruction the European Charter for Regional or Minority Languages might be mainly unstable political and social situation, political or social conflicts within the state territories, clash of the interests or articles in national law with the Charter or even maybe no interest to protect the minority languages – we can only assume with the knowledge or information we have.

It would be very interesting to examine it into more details than I really did, but this would regard much more time and afford to do that. It could even be a single topic for another paper/study. Therefore I only tried to assume in few examples the reasons for not ratifying it very briefly and „superficially“ in accordance to lack of the time and sources. I only wanted to show that the historical, political or social situation in partucular territories really matters when we are considering the European Charter for Regional or Minority languages. And the concepts such as nationalism play a big role in it as well. The other possible reasons for this choice will be presented in the next chapter in our case study, where we will talk also about the reason, which led to acception of the Charter in the Czech Republic. Thus you will get concrete ideas about the possible position of the national minorities and about the reasons for ratification the Charter.

Nevertheless, to conclude this whole section about the Charter, it must be argued, that it is a (significant – depending on the point of views by various actors) document, which respects the national unity and the territorial integrity and at the same time ensures the national minorities to use their regional or minority language in a public sphere. Otherwise the attitudes towards the European Charter vary depending on the political, cultural and social situations within the states and also on the nature of the nationalism in partucular states and the history of the states itself (conected with the minorities in the territory). In the following part we will turn to the case of Polish minority in the Czech Republic in the Moravian-Silesian Region, or the Cieszyn Silesia. It must be said that this example is not „controversial“ or much discussed in the international sphere, because the environment here is more

pleasant and the Polish minority there has a tradition. Also because Polish language is not endangered -it is of course an official language in the neighbouring country. But we will show on the Polish case effects of the Charter on the real life and discuss the position of this national minority within a society and its relation with the majority population, which could help us to put all information gathered here and deduce final conclusion and find the answers to the questions asked in this study – which interests stays behind the ratification (or obstruction) of the European Charter.

The case study –The Polish minority in the Czech Republic

First of all I would like to introduce the general situation in the Czech Republic in the meaning of its attitude to the Charter, why it is like that, which languages does it protect. Then we will continue with the Polish language and Polish minority in the Moravian-Silesian Region, or Cieszyn Silesia - which is the name for the historical region at the border with Poland with the compact community of Poles - to show the impacts of the Charter on the real life of Poles and their position within the Czech society or relation between this minority and the majority. All in all it will help us to formulate final answers for the questions in this project work – what interests stays behind the European Charter for Regional or Minority Languages.

The Czech Republic is one of the twenty-two states which have already ratified the European Charter for Regional or Minority languages. It was signed on 9.11.2008, ratified six years later, on 15.11. 2008 and entered into force on **1.3.2007**. So it has been implementing for more than two years to four languages: **German, Polish, Romani and Slovak** (Council of Europe). Nevertheless there is a difference, German and Romani are related only to the second part of the Charter, which concerned only general provision and principles of attitude, protection and promotion of these languages, while Polish and Slovak enjoy deeper protection within the frame of the third part with precisely defined measures and obligations supplemented or upheld by national valid laws. If you know more about the Czech Republic, especially its history, you can better imagine and understand, why the Czech Republic has accepted the Charter and what is behind the decision to protect national minority rights and just these languages – because of the historical and political events, development within society, tradition of these minorities living here, mainly Poles and Slovak. Especially this country has had experience with the occupation and communism and thus realize the importance of the national or ethnic identity and give the national minorities traditionally living here a chance to express their own identity as well. Otherwise, in the other communist states could be the effect right opposite - for example in Russia, where the idea of communism somehow still persists, even if it is formally a republic – because the communist states are based on the idea of nation-state with the common identity and equal rights for each citizens

irrespective of ethnic descent. But in case of Czech Republic it the communist era time of occupation, persecution and repression of human rights. Thus the state try to protect national minorities, mainly the Poles living in the historical region Cieszyn Silesia and the Slovaks within the state territory (with the common past – living in one state together with Czechs - Czechoslovakia).

It must be stressed that the **Slovak** minority and its language is protected in a consequence that in the past it was Czechoslovakia till the 1. 1. 1993 and there were living two nations in a federative form, both Slovaks and Czechs. Hence it is understandable, why the Slovakian minority still living in the Czech Republic enjoy this kind of protection and rights to use its Slovak language in a public within the whole territory. Of course, these national minority have had many privileges/rights before ratification of the Charter, but now it is more institutionalized, precise and specified – the same as the Polish case. However, we could argue, that the Czech and Slovak languages are similar and both can easily understand each other or that some Slovaks could feel more to be a part of the Czech nation and thus the other legal instruments, like the Charter, are not necessary and doesn't change the situation or the position of the Slovakian minority there. On the other hand it could be opposed that it is a political or social statement and an expression of the acceptance and tolerance to this minority, even more because the Slovaks together with the Czech nation were coexisting within one state/country in the past, although they were mostly concentrated into two particular parts or regions.

On the contrary, **German** and **Romani** language are included only in the second part of the Charter with the general provisions and basic principles and thus the concrete measures are not defined like for the Slovak or Polish (Úřad vlády ČR, 2006). German was traditionally used in northern, southern and western borderland areas, in language islands in the country's interior, and in Prague. The post-war situation reflects this pattern, with German speakers concentrating in Northern and Western Bohemia. Beside standard German, some speakers use traditional local dialects, and some of them have even a written form. While people of Roma nationality concentrate in large towns, mainly in Prague and Ostrava. Actually, there are several varieties of Romani used in the Czech Republic, whereas the most widespread is Slovak Romani. Many Roma speak the Romani ethnolect of the Czech language, i. e. Czech containing elements of Romani (Stehlíková, 2008). It should be noticed that the reason to include both languages, German and Romani into the Charter are historical, political and social as well. Hence it is also a kind of expression of tolerance from the side of Czech society.

But the question is why, they are on a different level than the Poles or Slovaks. It might be especially because their languages have according to last census less mother-tongue speakers than the Poles or Slovaks. Romani language was reported by 23,211 people (12,970 Romani and Czech) and though German was reported by 41,328 people (11,061 German and Czech), which is 10 thousands less

then at the Polish language, but the German is spoken in more areas within the country while the Polish is spoken in one specific compact region (Stehlíková, 2008). Or the other reason why German and Romani are on different positions might be because of the negative attitude (xenophobia) from many Czech people towards the German as a result of negative experience with German or Germany in general (occupation during the Second World War) and towards the Romani because of the social problems and difference in the life style. So the nationalism, xenophobia and negative perspective from the side of groups of Czech people could also influence the decision to include these languages only in the second part of the Charter.

Otherwise, the emphasis is just on the **Polish** language and the Polish minority in the Moravian-Silesian Region or more precisely historical region Cieszyn Silesia. „Obviously there are over fifty thousands Poles living across the whole territory, but we can separate them into two groups. First of them is the origin population of the Cieszyn Silesia, around thirty-eight thousands members, living relatively compactly on the area of two districts (NUTS 3 – Karviná and Frýdek-Místek) and create a compact community. They have their own organisations, schools, newspapers, theater and so on. While the second group (smaller - around fourteen thousands) spread across the state territory as a result of recent migration flows from Poland or the Cieszyn Silesia to the interior.“ (Siwek, 2008). To get a geographical imagination about the distribution of Poles, let's have a look at the map of the Polish minority in the Czech Republic at the end in the appendix (4).

However, the Polish minority protected by the state within the European Charter for Regional or Minority Languages is limited only to the Poles traditionally living in the Moravian-Silesian Region, so migrants are excluded. Of course, they are respected, but they don't have any privileges or rights as the first group does. Hence it is also territorially allocated in the primary document of the ratification and the further implementation or if you like specified that just the Polish language in the districts of Frýdek-Místek and Karviná in the Moravian-Silesian Region (historical region Cieszyn Silesia) is protected within the Charter.

So in this part we will further examine the position of the Polish minority inside the Czech society, possible impacts of the European Charter for Regional or Minority Languages on a real life and eventually on the relation between this minority and majority. Evidently I will try to apply the concepts used in the introduction into the case and put it into the theoretical frame. The questions asked here will answer what was behind the decision of the Czech government to ratify the Charter also for the Poles, therefore it will be investigated their position within the territory, how the Charter affects it or if you like what impact does it bring on their life and eventually on the cohesion of the state. Let me start with a brief history of the Poles in the Cieszyn Silesia or Moravian-Silesian Region, because just Polish minority living there enjoy the protection and benefits from the Charter. So all discussions are only aimed on the Poles living in this region.

Brief history of the Poles in the Cieszyn Silesia

Poles are traditionally living in the region Cieszyn Silesia (historical name for the area in the Moravian-Silesian Region), which is a part of the historical region the Upper Silesia. It is situated both in the eastern part of the Czech Republic and the Polish southwestern part. This region has a rich history - it has been under the control of the Holy Roman Empire, Austria, Prussia, German Reich, Poland and Czechoslovakia. Hence the inhabitants are mixed here. Currently the Upper Silesia or more precisely Cieszyn Silesia, is divided between the Czech Republic and Poland and the origin inhabitants of these region in the consequences as well. That is just the case of the Poles living in the Czech part of this historic region, called the Moravian-Silesian Region or the Cieszyn Silesia – part of the administrative units Karviná and Frýdek-Místek (NUTS 3). „At that time after the division of this disputable region (between Poland and Czech Republic after the First World War), there were around one hundred thousand Polish inhabitants in the Czech part. As a result of assimilation the number of Poles decreased to almost forty thousand“ (Siwek, 2008).

Otherwise relevant for this work is the fact, that Poles have been living there for ages, just the region, and its history, was changing. It is obviously, that the Polish minority has a good territory here, forasmuch as it lies „on the border“ and the members of this minority derive benefit from the position at the Polish border, partnership and cooperation with the Polish part of the region or Poland in general, and also from support from government thanks to the historical background of this minority living here. As it was said before, the Poles create a compact community in this area and have their own organisations, schools, theater et cetera – even before the ratification of the European Charter for Regional or Minority languages. This affects the national cohesion of the Czech Republic or this nation-state, because the Poles create there another nation within the country with its own ethnic nationalism and identity (like in case of Slovaks too – but these nationality is taken differently according to the „common“ history). In view, this effect is rather positive than negative, because these Polish minority living in this „compact“ region of an alias homogeneous state create interesting opportunities and tourists attractions as well, mainly in the surrounding of towns Český Těšín and Třinec. Only few groups of people have an ethnocentric view and strong nationalist feeling which cause the negative relation towards the Polish minority living there. It could be also argued that such a broad protection of Poles and promotion of their language can affect the tensions or demands of the other minorities, German and Romani, to gain more rights and better position within society. In my opinion, I don't think so, because both minorities are spread in the country into more places and thus don't create any compact community, which would be strong enough to get some more rights. Otherwise, in my view are Germans slowly assimilated while many Romanis accept also civic identity (Czech identity), but they still keep their own ethnic identity, cultural values and life-style. It should be said that they are also not so educated (compared to Poles, Slovaks or even Czechs) and then it would be much more worse to

integrate them to the czech society if the state or government gave them special rights to use their own language. However, German and Romani are spread into more communities in various places, so they don't have such a strength to gain more protection.

So in the Moravian-Silesian region there are living almost forty thousands Poles, whereas the towns in this region as Třinec, Karviná, Český Těšín had the highest absolute amount of the inhabitants with the Polish nationality in the Czech Republic. Even in some communes/municipalities the proportion of Poles to the number of all inhabitants is around forty or thirty percent (ČSÚ, 2008). This is the evidence that they are really compact and therefore they create a community and keep their cultural traditions and identity as well (including polish language or even dialect), have their own events, organisation and so on. They just use all available rights, also newly the rights coming from the implementation of the Charter, like having special Polish boards in the municipalities, their own organisations, cultural events, transnational exchanges with the support of government, use of Polish language in administration (official documents/forms/texts), education in Polish et cetera (Council of Europe, 1992).

All in all, the reasons for the promotion and protection of the Polish minority are specially historical (Poles traditionally living in this historical region of Cieszyn Silesia in Moravian-Silesian Region), demographical (forty thousands of Poles living in this region and creating compact communities there) and social (well education of Poles, also good knowledge of Czech language, no social problems with this minority, good integration into czech society). Thought, what is the relation between them and the majority like, what the Charter really brings and what impact does it have on the real life in this region will be discussed below.

Position of the polish minority within society

„Attitude of czech society towards the polish minority living there was being developed through the time, but it must be said that it had never been pronouncedly unfriendly. Although in the time of dominant idea of a nation-state in the twentieth century were Poles in the Czech – the same as the other minorities – regarded as a result of historical processes, which disappear with time thanks to assimilation. Currently we can see more conciliatory posture or attitude, especially by virtue of realization that the idea of nation pure states in open society in the time of globalisation is not effectible. Therefore the toleration to minorities rather increase thought demonstrations of xenophobia by some individuals or groups of inhabitants still naturally hang on“ (Siwek, 2008).

As it is obvious from Mistr Doc. Siwek's words, the historical aspect and the concepts of the nation or nation-state and nationalism play a crucial word in the

relation of the majority with minorities living within the state territory. The same holds for the Czechs and their attitude towards the Polish minority. Hence the Czech nationalism and concept of the nation-state matters. In my view, Czechs have quite strong nationalism feeling due to the historical events and experience such as occupancy and communisms in the last century. Though the Czech Republic, or former Czechoslovakia, has been also nation-state based on the idea of one homogenous nation with the common identity (language included) and cultural values, eventually two nations in the case of former Czechoslovakia (which 1. 1. 1993 splited into two individual state, the Czech Republic and Slovakia) – Czechs and Slovaks. However, this country will be always a nation-state, but after the creation of the independent state Czech Republic in 1993, it try to be more open to multiculturalism and accept the cultural diversity inside – so we can say that it has adapted somehow to the new area of multiculturalism and globalisation and thus consider the other nationalities (national minorities) within its territory. Of course, there is still the idea one homogenous nation identity and official language, but different identities and cultural values are respected rather in a privat sphere and some of them in a public sphere like the Poles and Slovaks (also thanks to the European Charter). In that case of Romani and German, there is rather tendency to protect them in the way of better integrate them to the society – this process begins in the education and learning the official language, Czech (on the contrary Poles and Slovaks mostly can speak Czech). Only then, the members of these minorities have a chance and same opportunities to integrate themselves into a social life and not be marginalised (as it is otherwise happening in the case of Romanies in the Czech Republic). While the Poles and Slovaks are well integrated to the society and at the same time enjoy promoted-oriented rights, also linguistic rights.

Thus you can find a different point of views on the minority issues like their protection or even promotion of its own language, or more precisely regional or minority languages within the state territory. In this case, opinions on the Polish minority in the Czech Republic and its language rights as well. Some people are tolerant and are living among the Poles as well, thus they take this minority more naturally, like a „part of the state“. Even more people living in the region, not only the Poles, speak special dialect, which is actually mix of few languages such as Polish, Czech and German – languages which have been spoken in the Cieszyn Silesia region through the time. On the contrary, some people argue, that Polish minority has never been „part of state“ or don't recognize that this country is their home land as well as for the Czechs living there and consider them more as migrants, or some people just don't accept additional rights of Polish minority if they speak also Czech language (like official documents/forms or bilingual signs etc.). This is seen differently from person to person or some people even might not think about the minority issues at all.

However, the Polish minority is an example of very well integrated minority. It derives benefits from the democratic system and participate in development and also

administration of Cieszyn Silesia, which is considered as its home or native land of Poles here (Siwek, 2008). Its good position and the high level of protection this minority from the side of Czech government is evident, when we look at the Fishman's Graded Intergeneration Disruptive Scale, which shows the level of use of minority language. With this analysis we find out that the level of protection of Polish language is very high, close to the highest level (regional or minority language is in higher education and in the higher reaches of government, media and professional life). It is namely used in the public sphere, education, literature, massmedia, (local) governmental services and so on (Eurominority, 2006). In the consequences we can deduce that the Polish minority is well promoted and also at the same time integrated to the society while it keeps its own identity (the language is part of it). All in all it can be said that the Polish minority enjoy a well position within Czech society, which enable them to use their rights as a minority. Let me explain you more precisely how did I reach this conclusion.

For the investigation of the position of Polish minority and its language, and the level of its integration, was used the Fishman's Graded Intergenerational Disruption Scale (GIDS), which has been explained before in part about the language. It basically shows the level of protection of minority languages and the process for language shift, but in my opinion it shows also the level of minority protection in general, and thus its position and depth of integration within society as well. If you remember, the GIDS has eight stages, so let go through them.

Stage 8 (vestigial speakers, no written standard):

The Polish language has a forty thousand speakers in the Moravian-Silesian Region (all in all it is much more due to the Poles in Poland and other countries as a result of their migration) and has obviously the written form (it is official language in neighbouring country).

Stage 7 (speakers can no longer contribute to the number of minority-language users demographically):

In the Polish case the number of speakers is relatively high and thus there is no such a problem.

Stage 6 (language revitalisation):

Polish language had been revitalised more in the past. So it is not actual now, though it is still a bit revitalising all the time through the cultural and social events.

Stage 5 (minority language literacy, but no official recognition or support):

Poles have the Polish literacy, even some Czech and the language enjoys official recognition and support.

Stage 4 (formal education):

Polish language is educated also in the pre-school education, elementary schools and five secondary schools – grammar school in the town Český Těšín and some technical schools (Stehlíková, 2008). Language can be also studied at the university. Though, the Poles learn Czech and thus it is not a constrain in my view. They have also opportunity to go to the university to study Polish filology or other subjects they are interested in, many Polish student do so. It might be rather a positive effect to know both language and then get a job in some firms or institution cooperating between Poland and Czech Republic or between Poles and Czechs in cultural perspective.

Stage 3 (use of minority language in the lower work sphere):

In my opinion, the Polish language is obviously spoken in the lower work sphere – even if I can't bring you an evidence. Otherwise, also a special dialect used both by Poles and Czechs living in this region is normally spoken even in some public places.

Stage 2 (minority language in lower governmental services and mass media, important step towards full recognition in formal domains):

Polish can be spoken in the administration authorities. If none of the administrative authority's officials speak and understand the Polish, the citizen must hire an interpreter listed in the interpreters register and the costs is then paid by the administrative authority (Stehlíková, 2008). Otherwise in reality, it happens rarely, because the Poles can mostly speak Czech or then understand with the majority through the special dialect. Next the Polish is used also sometimes in television and radio broadcasts. In the local authorities/government might be sometimes the Polish or the special dialect spoken on some „hearing“.

Stage 1 (language use in higher education, highest reaches of government, media, professional life):

The Poles in Moravian-Silesian Region with the Polish language definitely have reached the second stage, but the highest stage is a bit disputable – I can't for a certainty say if it has reached this point. But in my view, some of the characteristic are right. However, the Polish language has a secure position and as a result the Polish minority enjoy many rights also connected with the language protection.

All in all, here you could see the level of Polish language use which in fact also indicate the position of the Poles in general and their integration to the society. If you had a look on some other studies and reports about the Poles, like the Eurominority report, you would really find a compendium of Polish institution and organisation (also NGO – non-profit or non-governmental organizations), cultural events/festivals, literature, newspaper, transnational exchanges and cooperation Poles with Czech as well or whatever. These all facts show evidence of good position

of Polish minority within the country/Cieszyn Region and its integration into Czech society.

Finally, it can be also said, that the Poles kept their identity/language also thanks to the pleasant condition for the language use such as capacity, opportunity and will of Poles to speak and keep their language (Grin, 2003). Thus the government just continue to support them more, even within the European Charter. Considering the minority rights in general, its compact character and tradition of its presence in this country or region help the integration of the Polish minority within Czech society.

This position of Poles was reached also thanks the compact concentration of the Polish minority in this Moravian-Silesian Region or Cieszyn Silesia – it means that they are concentrated in few places there and create compact communities there. Thus it was easier to keep their own identity, cultural traditions and language as well, and protect and assert their interests in the region. In that way they had already got special rights and privileges before the Charter thanks to other legal international or national instruments such as the Universal Declaration of Human Rights (specially the content about schools and language usage in public) or Rights of Minorities in Upper Silesia (about minority schools) (Varenes, 1996). Thus Poles took advantage of these kind of rights and asserted their interests as much as possible. Therefore they have their own institutions, the most famous is the Congress of the Poles in the Czech Republic⁶ and the Polish Cultural and Educational Union (PZKO), their own printed media mostly subsidised by the government such as for example The Voice of People: The Newspaper of the Poles in the Czech Republic, et cetera (Eurominority, 2006).

Nevertheless, the Czech Republic had ratified the European Charter for Regional or Minority Languages recently (which then entry into force in the year 2007), which is concerned also about the Polish minority living in the district Karviná and Frýdek-Mísek in the Moravian-Silesian Region, called also Cieszyn Silesia. What does it bring new and what is the impact of its implementation on the real life of Poles here will be discussed in the next part. Though it should be said, that it is not easy to find out the exact impacts of the Charter, because the Polish minority had had some rights before and thus it would demand more proper analysis of many sources, even empirical one. But I will try to analyse it and deduce from available sources.

Just to conclude this part, it should be stressed that Polish minority in the Czech Republic enjoys rather more tolerance and privileges from the Czech society, because of the historical tradition of their presence in this country, demographical and pleasant social situation of Poles. Thus unfriendly posture are limited mostly on

⁶ Congress of the Poles in the Czech Republic was established on 3 March 1990 in the town Český Těšín at the first Congress of the Poles in Czechoslovakia (Eurominority, 2006).

individuals or nationalist or racist groups (such as neo-Nazis) with strong nationalist feelings, xenophobia or ethnocentric point of view, that doesn't accept the rights of this minority - more concrete for example the rights for language usage in public, especially because almost all members of its minority can speak Czech (or at least have passive knowledge) or also because the Polish language is not even endangered by reason that it is an official language in the neighbouring country, Poland. Or in extreme case some individuals don't want any minorities within the state territory, neither Poles, nor Germans or Romanies (Gypsies). Fortunately, these kind of attitude towards the Poles is not that extreme such as towards Romanies in the Czech Republic. It is shown rather in the unviolent way, like some disparaged notes or graffiti (for example newly on some bilingual signs), both in Czech and Polish (Siwek, 2008). That might basically also one of the negative impacts of the Charter. Let's try to examine its impact more below.

Impact of the Charter

As it was said before, the Polish minority has had many rights or privileges before the Charter thanks to international and national legal instruments. Then the Czech Republic ratified the European Charter for Regional and Minority languages, which entered into force in the year 2007. So the question is, what the Charter has change and what are the real impacts of its implementation on lives of the Polish minority in the Moravian-Silesian region. I asked the same question to Mister Doc. Siwek, a professor and a member of Polish minority as well, in the interview – respectively if the Charter has change the position of this minority within a society and his answer was following: „Partially yes, it strengthened consciousness of existence of the Polish minority by the majority. Polish signs has become a sort of symbol that Poles are in the Cieszyn Silesia as home as Czechs. Although some cases appeared, when some individuals don't accept it,“ (Siwek, 2008). Actually, there is the nationalism and nation identity at stake.

These unfriendly attitudes are limited to small circle of people with extremist opinions, but it is nothing serious. Sometimes there appears a kind of problems or if you like clash of interests, such as in the last year. There was a conflict between the administration and the Polish minority in the town Třinec (in the Moravian-Silesian Region) because the local government wanted to unit or join two Polish elementary schools into one. They reason was actually economical, but it was made unsensitively and Poles were thinking that the city wanted to take one school away and thus hurry on the assimilation of local community. Finally the unification of those schools didn't happened, but the conflict still hangs on and displays in the quarrels about the composition of the Boards/Committees for the national minorities and blockage of installation the bilingual (Czech-Polish) signs in this town, which is the place with absolutely highest amount of the Polish minority in the whole country

(Siwek, 2008). More precisely it is around 6 892 Poles according the last population census in the year 2001 (ČSÚ, 2001). All in all this example just show that the Charter institutionalized clearly rights of Poles and strengthened their power through the special national minority boards and communities within most of the municipalities in this region. Thus we can say that the Charter strengthened the voice of Polish minority in practical questions and the decisions on the local administration level. Nonetheless, you can see, that now the Poles have a bigger power to influence decisions in the local administration, specially through the Boards/Committees for the national minorities, which are basically in all municipalities, in which ten percent of inhabitants declared themselves as Poles (Charta, 2006). There even exist other organisations like the Pedagogical Centre for Polish National Schools in Český Těšín furthers the development of Polish, which offers continuing education programmes for teachers, develops and distributes teaching materials and aids for the teaching of Polish as a minority language. The other is CzechBLUL, national branch of the European Bureau for Lesser-Used Languages, a non-governmental organization protecting and promoting minority languages, Polish included. Just the Polish speakers are its most active members and direct its efforts towards the promotion of Polish in the Czech Republic (Stehlíková, 2008). So the Poles have really bigger power and influence then before.

Otherwise, let's have a look on the influence of the Charter or its real impact from different point of views. One has been already presented by Mister Doc. Siwek, that is the perspective from more ethical and political point of view, when the state declare precisely the rights of the minority and institutionalised their rights much deeper. As a result the Polish minority is more considered, specially in the local governments and can better struggle or defend their interests – education, bilingual boards, cultural events and so on.

We can also have a look on that issue from view of legal system. Concerning the law itself, sometimes the national law or legal instruments are even more precise and concrete than some particular parts within the Charter and thus ensure broader protection of the minority. Also in the case of Czech Republic and the Poles, the national law is even broader, like for example education in Polish language was ensured in the elementary schools, or interpretation at the court proceedings (Úřad vlády ČR, 2006). Therefore it might be a possible reason, why some states don't want to ratify this Charter – because they already have had some law or norms to protect them enough in their view, and they don't want to simply change it, make it broader or just want to avoid the clash of some norms. All in all the current legal systems in the countries matter before ratification the Charter.

The economic aspect might be also influential. The states must realize the costs connected with the implementation, because consequences of the implementation of the Charter are paid from the state budget. To bring out the example, let's say the bilingual signs – Czech-Polish signs are a current topic in

some communes within the Cieszyn Silesia region. In many cases, the national minorities mostly speak the official language as well, so do the Poles Czech. Therefore it could be seen by some people a bit negatively, because in their view it is unnecessarily not only from the economical point of view but probably from some social or psychological reasons – the nationalism plays there its role as well. By the way, the Czech government say in the explanatory document about the Charter, that the country or more precisely the Moravian-Silesian Region where are the Poles living, could profit from the implementation such as from the bilingual signs in Cieszyn Silesia though the Czech Republic belongs to nationally homogenous states). It could make this region more attractive for tourists and thus brings economic benefits (Úřad vlády ČR, 2006). Another expencitures caused by education of the Poles, teachers of minority-language or office holders at local administration offices, and the official documets/forms and eventual interpreters at the administration or the judiciary proceedings and other costs connected with the support of this minority in language use in education, cultural and social life, media, transfrontier exchange or at judical and administrative authorities.

All in all the Charter brings sometimes something new in the protection of national minorities and sometimes it is just reformulate previous rights of the minority and its institutionalizing. Though it has different impacts on their real life. On all accounts, the rights are more clear and office holders might be better informed. Then the rights are more obvious and the Poles can ask for them them, like during some (burreaucratic) arrangements in the offices. Nonetheless, for some people is the Charter mainly an expression or statement of tolerance and acceptance that the Moravian-Silesian Region or Cieszyn Silesia is home land for this minority as well as for the majority.

To conlude the whole part of this case study, we got knowledge of the position of the Polish minority in the Czech Republic. Basically all in all, the Poles enjoys here a relative degree of cohesion by virtue of its geographical concentration. The school network for Polish appears to be well developed (in pre-school education which is also bilingual, and primary and secondary schools; in the universtities the Polish language or philology is educated as a particular discipline) and in the past ten years there has even been a slight increase in the presence of the language in education. The interest for the language, the dialect (which has a certain degree of prestige) and the culture within the community is high, as is shown by media and other activities. However, the use of Polish is limited in more official contexts, and Poles themselves tend to consider Czech as a more useful lingua franca in this respect. There is a decrease in language use, only partially reflected by the decline in membership. In a long-term perspective there are indications that the community may be moving towards bilingualism and biculturalism (Euromosaic, 2006).

Concerning the attitude towards this minority by the majority is rather tolerant and peaceful. Naturally there exist some problems and clash of the interests sometimes, especially in the field of education or the concrete issue such as the bilingual signs, but in general the Polish minority is well integrated and enjoys many rights, also guaranteed by the Charter – language use in various level of education, cultural, social and economic life, judiciary or administrative authorities. Actually, as we examine, the Charter doesn't bring that much new in the promotion of the Polish minority in the Moravian-Silesian Region, because many rights had been ensured before. Thus it is more a sort of a political statement and expression of the tolerance and acceptance of this minority living here, because their rights are not threatened and their languages neither, especially because Polish is spoken in the neighbouring country Poland as an official language. So the Poles are even in the contact with the regions near the border within the scope of cross-border cooperation or partnership (within the EU – so called euroregions).

Nevertheless, for the Polish minority means the Charter more – their rights are more institutionalized and some of them more specified, so as a result the Poles can better struggle for their interests at the local governments within the particular parts of the Moravian-Silesian Region and derives benefits from the Charter. In the consequence this national minority keeps its own identity and at the same time accepts the language of the majority or maybe even a kind of czech identity as well, specially the younger generation, which is deeper integrated to the society.

That was the case of Polish minority in the Czech Republic, for the Slovak minority it is similar, but for the other minorities, the German and Romani, the European Charter for Regional or Minority Languages is rather the political statement, because they are included only in the second part of the Charter, so it doesn't have such significant impact on their lives. So do in some other states, depending if the languages are included only in the second part or both in the second and the third parts, and which articles were approved. Hence when we consider the protection and promotion of the national minorities within the Charter, we have to take into account this fact and of course, the historical, political and cultural situation within the country and eventual affords of their protection before ratifying this document – because it makes the situation different. You can see it also on the case of Czech Republic and the Poles or eventually Slovaks living there. Therefore, in my opinion the European Charter for Regional or Minority Languages in many cases doesn't make fundamental difference or progress in the protection of national minorities, because many states already have had some laws connected with national minorities' rights.

3. Conclusion

Through the examination of the national minority rights in general in a relation with the perception of nation, nation-state, identity and nationalism, analysis of the European Charter for Regional or Minority Languages and the case study of Polish minority in the Czech Republic, we found various attitudes and views on the protection of minority languages and the Charter itself, and the reasons which stays behind this kind of protection, and on the contrary behind the obstruction of the minority language rights and the European Charter.

Generally the national minority rights, including linguistic rights, are perceived differently state by state due to the view of national cohesion and eventual fragmentation of society. Nation-states namely don't accept the cultural diversity inside their territories, because this political entities are based on idea of homogenous nation with the common identity/communities, values and equal rights for each citizen, which actually ensure rights and opportunities for all citizens irrespective of their origin descent. Hence it can't be said, that the national minorities are not protected. In the view of nation-state they are, because thanks to the same opportunities in social life, for example in education, they are better integrated into society have the same chance as majority. On the other hand their ethnic identity could be threatened, or some of its characteristics such as language – as a result of use the official language, they can through time shift to majority language and their origin language can go backward, or even lately expire/dissapear. In consequence this fact of language loss or loss of the unique cultures, many states, also some nation-states try to protect the national minorities within its territory and give them chance to keep their ethnic identity, including their own language. Obviously, under certain circumstances or conditions such as historical, demographic, social, geographical or political situation or characteristics of the national minority, because the amount of members or speakers of minority languages, their location or if you like geographical concentration, the historical origin and ethnic nationalism influence the attitude of the governments towards the protection of national minorities and their languages.

Nonetheless, many states try to protect the national minorities and their languages also newly through the international legal instrument, the European Charter for Regional or Minority Languages, officially created by the Council of Europe to protect and promote regional or minority languages as an aspect of Europe's cultural heritage and to ensure some of the national minorities to use their language in education, media, judicial and administrative settings, economic and social life or cultural activities. The interests behind its creation was a need for solving problems connected with the minority rights/languages such as threatening these languages and eventual loss of particular languages, gap in the national

minority protection, increase of ethnic nationalism from the side of many national minorities during the last century, specially in the period after the end of the Second World War. So the European Charter accepts the existence of cultural and linguistic diversity on the states territories and thus protects the national minorities and their language. Otherwise, at the same time it respects the national unity or territorial integrity and recognize the importance or need of knowledge of the official language for the minority members to be able to communicate with the majority population and in so doing prevent marginalisation (to become exclude because of mutual disability to understand or interact to each other) and gain better position within society - if they want to get a well-qualified job or study at university at cetera.

Twenty-three states have already ratified the European Charter for Regional or Minority Languages on the ground of historical, political and social situation within the states, the compactness of the (national minority) communities in particular regions, ethnic nationalism of the national minorities or a liberal perspective of states or nation-states where different ethnic/nation identities are accepted. And also in consideration of the historical, demographical and social characteristics of particular national minorities and the previous attitude or protection itself before the ratification of the Charter. Forasmuch as the perception of the national minorities and their protection within national laws influence the (non-)ratification of the Charter. All these states might have experience with the minority protection or even sometimes promotion of the minority languages and thus the Charter can make them broader and more institutionalized. Though in few cases could the implemented policy by state go further then some requirements of the Charter.

On the contrary some national laws and individual state legal instruments relating to national minorities can clash with some principles or objectives of the European Charter, like in the case of many nation-states, for example France with traditional nationalism and idea of homogenous nation with equal rights for each citizen. Hence a clash or an antagonism between legal instruments and kind of protection cause inhibition of ratification and complicate or prelong the period before the ratification. Thus there are ten states which have signed, but not yet ratified the Charter. Though the ratification could even neither became real.

The argument of clash of the laws might be also one of the reason for the obstruction as well. Moreover it is mainly an unstable political and social situation within states, political or social conflicts within particular territories, unpleasant demographical, geographical and social characteristics of the national minorities, or strong nationalism and idea of homogenous nation. Also the states might consider negative affects of the Charter from the economic, legal and social point of view such as the high costs on the implementation, fundamental differences in the laws connected with the national minority protection and the social status of the minority members.

All in all there exists different attitudes towards the European Charter for Regional or Minority Languages and the protection of minority languages or opinions on impacts of eventual the Charter. Therefore some states have ratified it and the others obstructed depending on their view of national minority rights and national coherence - idea of nation-state, identity, fragmentation of society - and the historical, political or social situation within the state territory. In fact the European Charter for Regional or Minority Languages strengthened the rights for language use in public domain and specify measures, but it is finally up to state which minority languages will be included to which part of the Charter and which articles or measurement will be applied. In consequences the impacts of the Charter also differs. It also depend on the previous level of protection, thus the Charter can have smaller impact on the minority life such in case of Poles in Czech Republic, though their rights are strengthened by this international document and institutionalized. Nevertheless, sometimes the acception of the European Charter is rather more a political statement of the tolerance and recognition of national minority rights in the meaning linguistic rights, whereas the rights are more precise, institutionalized and controlled by the organs of the Council of Europe.

In my view, such a protection of national minorities and their languages is desirable in this time of globalisation, unification of cultural values, loss of some unique ethnic identities including language and increase of the ethnic nationalism and the efforts to keep their own ethnic identities inside the states. Thus the European Charter for Regional or Minority Language has its place in the national minority protection, particularly in the promotion of minority or regional languages, even if it in some cases doesn't bring fundamental changes. Though it recognizes the cultural diversity within state territories and give national minorities at least political statement of special status and precise rights together with the national law - of course, the level of ensured rights varies state by state. That is the positivism of the European Charter - that it doesn't say explicitly which regional or minority languages should be protected and in which way, and thus it gives states a chance to decide in accordance to the particular historical, political and social situation and the perception of the national coherence and national minority rights.

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Appendices

1. The Preamble of the European Charter for Regional or Minority Languages
2. The Map of the states which have signed and ratified the Charter
3. The Languages under the protection of the European Charter for Regional or Minority Languages
4. The Map of the Polish Minority in the Czech Republic

1. The Preamble of the European Charter for Regional or Minority Languages

Preamble

The member States of the Council of Europe signatory hereto,

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 and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights, and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the work carried out within the CSCE and in particular to the Helsinki Final Act of 1975 and the document of the Copenhagen Meeting of 1990;

Stressing the value of interculturalism and multilingualism and considering that the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them;

Realising that the protection and promotion of regional or 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;

Taking into consideration the specific conditions and historical traditions in the different regions of the European States,

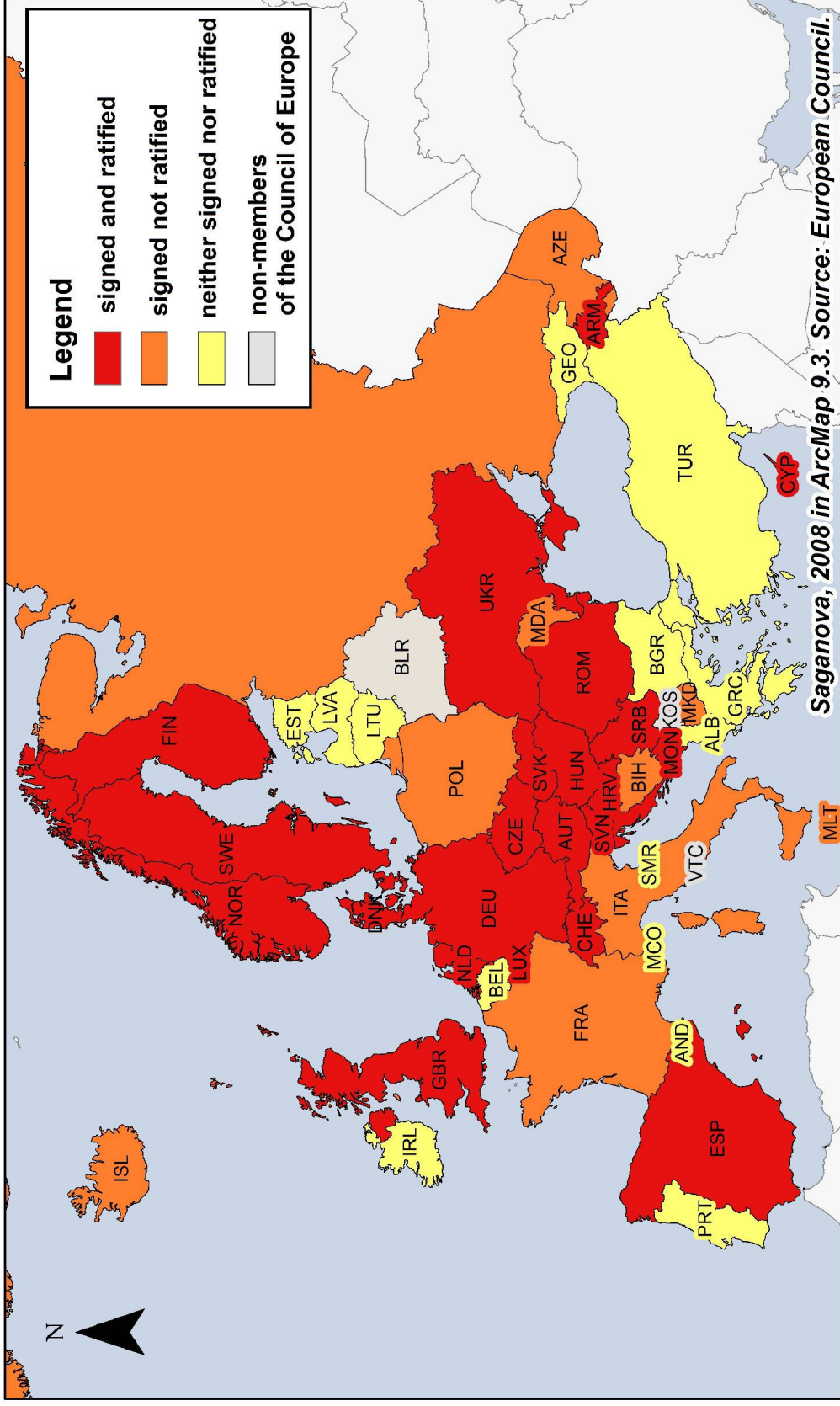
Have agreed as follows:

...⁷

⁷ From the text of the European Charter for Regional or Minority Languages:
<http://conventions.coe.int/Treaty/EN/Treaties/Html/148.htm>

2. The Map of the states which have signed and ratified the Charter

The European Charter for Regional or Minority Languages and the member states of the Council of Europe



3. The Languages under the protection of the European Charter for Regional or Minority Languages

Country	Languages
1. Armenia	Assyrian, Greek, Kurdish, Russian, Yezidi
2. Austria	Burgenlandcroatian/Croatian, Czech, Hungarian in Burgenland, Hungarian in Vienna, Romany, Slovak, Slovenian in Carinthia, Slovenian in Styria
3. Croatia	Czech, Hungarian, Italian, Ruthenian, Serbian, Slovak, Slovenian, Ukrainian
4. Cyprus	Armenian, Cypriot Marinite Arabic
5. Czech Republic	German, Polish, Romani, Slovak
6. Denmark	German
7. Finland	Romany, Russian, Sami, Swedish, Tatar, Yiddish
8. Germany	Danish, Low German, Lower Sorbian, North Frisian, Romany, Sater Frisian, Upper Sorbian
9. Hungary	Armenian, Beas, Bulgarian, Croatian, German, Greek, Polish, Romanian, Romany, Ruthenian, Serbian, Slovak, Slovenian, Ukrainian
10. Liechtenstein	No languages under protection
11. Luxembourg	No languages under protection
12. Montenegro	Albanian, Romany
13. Netherlands	Frisian, Limburger, Lower Saxon, Romanes, Yiddish
14. Norway	Kven/Finnish, Romani, Romanes, Sami
15. Romania	Albanian, Armenian, Bulgarian, Croatian, Czech, German, Greek, Hungarian, Italian, Macedonian, Polish, Romani, Russian, Ruthenian, Serbian, Slovak, Tatar, Turkish, Ukrainian, Yiddish

16. Serbia	Albanian, Bosnian, Bulgarian, Croatian, Czech, German, Hungarian, Romanian, Romany, Ruthenian, Slovak, Ukrainian, Vlach
17. Slovakia	Bulgarian, Croatian, Czech, German, Hungarian, Polish, Romany, Ruthenian, Ukrainian
18. Slovenia	Croatian, German, Hungarian, Italian, Romany
19. Spain	Arabic, Aragonese, Aranese, Asturian/Bable, Basque in the Basque Country, Basque in Navarra, Berber, Catalan in Aragon, Catalan in the Balearic Islands, Catalan in Catalonia, Galician in Asturias, Galician in Castilla y León, Galician in Galicia, Portuguese, Valencian
20. Sweden	Finnish, Meänkieli (Tornedal Finnish), Romani Chib, Sami, Yiddish
21. Switzerland	German in Bosco-Gurin, German in Ederswiler, Italian in Graubünden, Italian in Ticino, Romansh, Yenish, Yiddish
22. Ukraine	Byelorussian, Bulgarian, Crimean Tatar, Gagauzian, German, Greek, Hungarian, Jewish, Moldavian, Polish, Russian, Romanian, Slovak
23. United Kingdom	Cornish, Irish, Manx Gaelic, Scots, Scottish Gaelic, Ulster Scots, Welsh

Source: Database for The European Charter for Regional or Minority Languages.

Note: When you are looking at the list of protected languages within the states, you should realize that there are differences in a rate of protection and some of them might be only included in a second part of the Charter and therefore are connected with more general obligations while the other enjoy more concrete defined provisions. As a reason you can find many promoted languages at some states sometimes with a wonder such as in case of Ukraine, Romania or Serbia.

4. The Map of the Polish Minority in the Czech Republic

