

# Basque in the Foral Community of Navarre (CFN)

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*Zonatan zatitzeko sistema baten aplikazioa da Nafarroako euskararen estatusaren ezaugarri; era horretara, herritarren hizkuntza eskubideak modulatu egiten dira eskubide horiek erabili nahi diren lekua araberak. Atal honetan, egileek euskararen lege egoera deskribatzen dute eta aztertu egiten dute Nafarroako hizkuntza politikaren garapena azken urteetan, zeinak norberaren hizkuntzaren tratamendu gero eta murriztaileagoa ezaugarri duen eta gaitzespenak erakarri dituen europar erakundeetatik.*

*Giltza-Hitzak: Hizkuntza eskubideak Nafarroan. Euskara. Hizkuntzen erregimen juridikoa. Euskara Administrazioan. Hezkuntza. Komunikabideak.*

*El estatus de la lengua vasca en Navarra se caracteriza por la aplicación de un sistema de zonificación lingüística, que modula los derechos lingüísticos de los ciudadanos en atención al lugar donde desean ser ejercidos. En este capítulo los autores describen la situación legal del euskera y analizan el desarrollo de la política lingüística en Navarra durante los últimos años, caracterizada por su tratamiento progresivamente restrictivo respecto de la lengua propia, lo que ha merecido reproches desde instancias europeas.*

*Palabras Clave: Derechos lingüísticos en Navarra. Euskera. Situación jurídica de las lenguas. Euskera en las Instituciones Públicas. Educación. Medios de comunicación.*

*Le statut de la langue basque en Navarre se caractérise par l'application d'un système de zonification linguistique, qui module les droits linguistiques des citoyens, en fonction du lieu où ils sont destinés à être exercés. Dans ce chapitre, les auteurs décrivent la situation juridique de l'euskera et ils analysent le développement de la politique linguistique en Navarre durant ces dernières années, caractérisée par son traitement progressif restrictif par rapport à la langue propre et qui a fait l'objet de reproches de la part des instances européennes.*

*Mots-Clé : Droits linguistiques en Navarre. Langue basque. Statut juridique des langues. Le Basque dans le Secteur Public. Éducation. Médias.*

## **ORIGIN OF THE LEGAL RULING ON LINGUISTIC RIGHTS IN THE FORAL COMMUNITY OF NAVARRE (1978-1986)**

During thirty-nine years of dictatorship under Generalísimo Francisco Franco (1936-1975), the Basque language was prohibited and punished and its use was excluded from all walks of the country's public political and social life, meaning the state administration and the education system. Only after the death of the dictator in November, 1975, and after nine years of protest, were some linguistic rights recognized for speakers of Euskara in the Foral Community of Navarre in 1986, -for the first time since the Kingdom of Navarre definitively became part of the Spanish state after the Second Carlist War 110 years before, in 1876.

Although there has always been strong opposition to guaranteeing the official status of the Basque language from the central Spanish state political and regionalist forces in Navarre, represented after the death of the dictator by the members of parliament from Unión de Centro Democrático (UCD) or from the Partido Socialista Obrero Español (PSOE), Madrid did not generally make serious objections to making the Basque language official, although they rejected full bilingualism.<sup>1</sup> In this way, they would oppose the bilingual model in the judicial branch, considering that it was a state competence, and it was not dictated to require knowledge of Euskara for civil services in the judiciary. Regarding legalization of *Ikastolas* or schools where the classes are given in Basque, both political forces have been very wary and not very enthusiastic about undertaking an education reform linked to guaranteeing education with instruction in Euskara.

By virtue of Article 3 of the Spanish Constitution approved in 1978,

Spanish will be the state's office language. All citizens of the state have the duty to know it and the right to use it. Other languages, such as Basque, Catalan or Gallego, will also be official in their respective Autonomous Communities in accordance with their autonomy statutes.

This means that Spanish will be the only language obligatory throughout the state, including in the autonomous communities with their own languages. Despite their joint official status with Spanish, the constitution introduces factors of inequality, including a generalized duty to know Spanish (without parallel in the compared constitutional right) which puts it in a position of legal superiority over other languages whose official status is limited territorially. In other words, Spanish is imposed as an official language and must be learnt throughout all of *Euskal Herria*, or the Basque Country, under the administration of Spain.

The process to regulate the official status of Basque in the Foral Community of Navarre, *Comunidad Foral de Navarra*, CFN, emerged linked to the Foral parliament declaration of 3<sup>rd</sup> November, 1980, which stated:

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1. In the first democratic elections after the death of the dictator, held in 1977, UCD was the most voted party with 6 MPs, followed by the Partido Socialista Obrero español (PSOE) with 2 and the Partido Nacionalista Vasco (PNV) with 1 MP. Only the PNV defended the full co-official status of Basque in Navarre at the time.

First: Spanish and Basque will be official languages in Navarre.

Second: This principle will be incorporated into the Organic Law for the Reintegration and Improvement of the Foral Regime of Navarre (LORAFNA) as well as the full authority of the Foral Parliament for its regulation by means of a Law.

In the end, this did not happen. The text resulting from the negotiation between the representatives of the Foral Deputation of Navarre (CFN government) and the central state government gave the result as the idea defended by representatives of the *Unión de Centro Democrático* (UCD<sup>2</sup>) and *Unión del Pueblo Navarro* (UPN<sup>3</sup>) that Basque was not declared an official language for all of Navarre.<sup>4</sup>

In August, 1982, the CFN autonomy statute was approved by means of Organic Law 13/1982, dated 10<sup>th</sup> August, for Reintegration and Improvement of the Foral Regime in Navarre (LORAFNA). By virtue of this law, and in accordance with the Spanish state constitution, Navarre became an Autonomous Community within the state with some of their own powers recognizing legislative and executive legal authority for its management, but not judicial power, which is singular and centralized for the whole Spanish state. Regarding language, the LORAFNA establishes in Article 9 that,

1. Spanish is the official language in Navarre.

2. Vascuence<sup>5</sup> will also have official status in Basque speaking areas of Navarre. A Foral law will determine these areas, regulate the official use of Basque, and within the framework of general state legislation, organize teaching of this language.<sup>6</sup>

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2. Unión de Centro Democrático (UCD) with 34.6% of the votes and 166 seats in the Madrid parliament was the most voted party in the state and formed a government between 1978 and October 1982, when Partido Socialista Obrero Español (PSOE) started governing the Spanish state.

3. UPN, Unión del Pueblo Navarro, is a conservative and regionalist political party founded in 1979. UPN emerged in opposition to Basque nationalism, demonstrating its opposition to Navarre joining the Basque Autonomous Community and protecting and diffusing Basque as co-official language in Navarre. From 1982 it ran for election jointly with the Partido Popular. From 1991 both parties presented a single electoral list for all purposes. UPN has gained the most votes in Navarre since 1995, with support giving it around 17 seats in the Navarre parliament in 1995 and 22 in 2007. See, <http://www.upn.org/>

4. Monreal, Gregorio: "Origen de la Ley del Vascuence de Navarra", *Revista Internacional de los Estudios Vascos*, 46, 2, 2001. P. 522. Also see Monreal, Gregorio, "La oficialidad del euskara en Navarra", in Cobreros, E. (Coord.), *Jornadas sobre el régimen jurídico del euskara*, IVAP, Oñati, 1990. Also see, Razquin Lizarraga, José Antonio, *Fundamentos Jurídicos del Amejoramiento del Fuero. Derechos Históricos y régimen foral de Navarra*, Government of Navarre, Iruñea/Pamplona. P. 439.

5. LORAFNA writers chose to use the euphemistic term "vascuence" to designate the Basque language, in this way avoiding the use of the Basque term *Euskara* or *Euskera* or when appropriate the expression "Basque language." The change of name of the law, which was called the law of "Euskara" in the project instead of the "vascuence" law reveals clear political interest. Legally in Navarre the law recognizes *vascuence*, but it does not mention *Euskara* which it believes belongs in the Basque Autonomous Community (BAC) The terminological difference is not founded as Basque is all the same language, with its real reason being to introduce an artificial difference within the same linguistic community, or in other words, another barrier distancing Navarre from the BAC.

6. Ley Orgánica 13/1982, dated 10<sup>th</sup> August, for Reintegration and Improvement of the Foral Regime in Navarre (LORAFNA), article 9.

As opposed to what happened in other autonomy statutes of bilingual autonomous communities, the LORAFNA highlights the absence of the symbol-identity-based elements, as it says nothing about Basque being a language in its own right; nor does it refer to the people of Navarre's basic linguistic rights (the right to use and learn both languages). Nor does it refer to the public authorities' obligations to create a new status for Basque, or to articulate a linguistic policy aimed at standardizing the use of Basque.<sup>7</sup>

The fundamental characteristic of the regulation is the declaration of Spanish as the CFN's official language and the introduction of a zoning regime regarding the official status Basque. The standard's orientation is restrictive. The article begins by affirming the official status of Spanish. Spanish is not official in the CFN because the LORAFNA dictates it so, but because it is laid down by the Spanish Constitution. In these circumstances, it will be understood that this declaration only has formal value; an important formal value which obviously operates in relation to the position of Basque, whose status is not set in the ruling, but which is postponed to the development laws.

In the CFN, joint double official status has not been established for the entire community. It is only linked to the "Basque speaking areas of Navarre" which will correspond to a Foral law (Foral Law 18/1986 concerning "vascuence" in Navarre). In the CFN, the territorial reach of the languages' official status depends on the legislation. Without official status the possibility of producing positive changes towards bilingualism and respecting linguistic freedoms is made much more difficult.

After four years of court action, mainly promoted by Spanish state-run political parties or social forces linked to them, on 26<sup>th</sup> June, 1986, the Constitutional Court of the Spanish state finally declared that the laws regarding standardization of the Basque, Catalan and Gallego languages were constitutional,

Although the constitution does not define, but assumes, what an official language will be, its regulation on the matter affirms that a language is official independently of its actual situation and its weight as a social phenomenon when it is recognized by public powers as a normal medium of communication in and between them and in its relations with private subjects, with full validity and legal effects. Without affecting the fact that in specific fields, such as in court, and for specific purposes, such as avoiding lack of defence, international treaties also permit the use of non official languages for people who cannot use the official languages.<sup>8</sup>

Four years after the autonomy statute (LORAFNA) was approved in Navarre in 1982, and only six months after the Constitutional Court made its sentence public on minority languages (which resolved appeals based on unconstitutionality

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7. Arzoz, Xabier, "Estatuto jurídico del *euskara* en Navarra", in Pérez, J.M. (Coord.), *Estudios sobre el estatuto jurídico de las lenguas en España*, Atelier, Barcelona, 2006. P. 390.

8. Sentence by the Spanish state Constitutional Court 82/1986 dated 26<sup>th</sup> June.

against several linguistic standardization laws), on 15<sup>th</sup> December, 1986, the Foral Law 18/1986 was approved on “Vascuence” in Navarre, regulating the most urgent matters regarding the Basque language in the community, such as:

1. The official status of both languages, Spanish and Basque. As stated in Law 18/1986, it establishes that Spanish and Basque are co-official languages in Navarre but article 2 of this law specifies that Basque will only have official status in areas of Navarre where this language is generally or predominantly spoken (the north zone). In other words, Spanish would be the official language for all of Navarre and Basque would only be an official language in the north of Navarre, known from now on as “Basque speaking area”. This geographic limitation of Navarrese citizens’ linguistic rights led to zoning the community, which in accordance with article 5 of this law has been divided into three large linguistic zones, as we will be able to see later on, called “Basque speaking area”, “mixed zone” and “non Basque speaking area.” Consequently, Basque is not official and continues to be relegated in the state administration and public education system in the south of Navarre, called by law “non Basque-speaking area” which covers the widest area of the autonomous community.
2. Citizens’ rights and public authorities’ duties in linguistic matters. Specifically, article 2 of Foral Law 18/1986, dated 15th December, on Basque in Navarre, establishes that, “the following are essential targets: A. Protect citizens’ rights to know and use the Basque language and define instruments to make it effective. B. Protect the recovery and development of the Basque language in Navarre, highlighting measures to promote its use. C. Guarantee the use and teaching of Basque in accordance with principles of will, progression and respect, in accordance with the sociolinguistic situation in Navarre.”<sup>9</sup> “In accordance with the sociolinguistic situation in Navarre” means that the shelter and protection of Navarrese citizens’ linguistic rights are circumscribed to the north of Navarre, so that inhabitants of the “non Basque-speaking area” do not have the linguistic rights enjoyed by the rest of the population, as Basque is excluded from public administration and the education system in those area.

The objectives declared by the Foral Law 18/1986 are to “protect citizens’ rights to know and use Basque and define instruments to make it effective” and “protect the recovery and development of the Basque language in Navarre.” Demonstrated will is limited to protecting recovery. The will for recovery is not declared, only its protection from a static and conservative point of view. In any case, although much more limited than the rest of the standardization, the Navarre executive branch has to act, but it cannot do so in any old direction; it has to promote and guarantee linguistic freedoms. And this is not only so because of Foral Law 18/1986 but by requirement from the European Charter for Regional or Minority Languages

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9. Understanding “euskaldunización” to be learning the Basque language.

which states in article 7.1.c “an action resolved to promote regional or minority languages in order to safeguard them.”

3. The use of Basque in the Public Administration. Title I, articles 6 to 18 of Foral Law 18/1986, although generically and not particularly accurately, refer to recognizing the right to use Basque and Spanish in relations with public administration in the Foral Community of Navarre. In this respect the law regulates, among other matters, entering documents in public registers and bilingual publication of legal or resolution-based conditions or acts by the administration, as well as notifications and communications (art. 7); all citizens’ right to use the official language of their choice when they deal with the administration (art. 6 and 10); the power to establish the official list of towns and place names (art. 8), writing signs and traffic signs; the power to create the official translators service (art. 9); progressive *euskaldunización*<sup>9</sup> of public administration employees (art. 15). All this, however, remains circumscribed basically to the northern “Basque-speaking” area of Navarre.
4. The use of Basque in teaching. Foral Law 18/1986 regulates everything relating to Basque within the education system in Title II. The law guarantees that *all citizens have the right to receive teaching in Basque and in Spanish at the different educational levels*.<sup>10</sup> These articles establish the governing principles of education in Basque. The law recognizes all students’ right to receive teaching in Basque, whilst establishing that it is mandatory that teaching is also given in the official language which was not chosen to guarantee bilingualism. The government should regulate the different linguistic teaching models and adopt measures which will guarantee that sufficient knowledge of both official languages is acquired by citizens. The law also plans to train teaching staff to make them completely skilled both in Basque and Spanish. In any case, in practice nowadays, education in the Basque language is tacitly prohibited throughout what is called the “non Basque-speaking area” of Navarre, where there are no state schools giving classes in this language, despite the demand.
5. The use of Basque in the media is regulated in Title 3 of Foral Law 18/1986 (art. 27 and 28). The law recognizes citizens’ right to be informed in Basque. Article 27 refers to the guarantee and diffusion of the Basque language in the media, 1. Public administrations will promote the progressive presence of Basque in the social public and private media. For this purpose, the Government of Navarre will draw up plans for economic and material support so that the media uses Basque habitually and progressively. 2. In television and radio stations, and in the other media managed by the Foral Community, the Government of Navarre will make sure that there is an appropriate presence of Basque.<sup>11</sup> In this way the Government

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10. Titular II, chapter 1, article 19, of Foral law 18/1986, dated 15 December, concerning *vascuence*.

11. Title III, on social media, article 27, of Foral law 18/1986, dated 15 December, concerning *vascuence*.

of Navarre has been attributed with promoting Basque in the community's media and on the television and adopting measures to promote and protect Basque in radio broadcasting, press, image and sound media. Despite this, actually nothing has been done in this area within the general budget for Navarre since 2000; the amount of the budget dedicated to it and other ends relating to promoting Basque have been progressively and drastically reduced until they almost disappeared in 2005.

6. As opposed to Law 10/1982, dated 24<sup>th</sup> November, basic standardization for the use of Basque in the Basque Autonomous Community, the social use and other institutional aspects of Basque such as Basque teaching and literacy for adults, promoting the use of Basque in different fields or the responsibility to make sure that this language is unified and standardized in accordance with guidelines issued by *Euskaltzaindia*, the Basque Language Academy, are aspects which are not contemplated in the Basque law in Navarre.<sup>12</sup>

The legal analysis of the CFN linguistic policy model is characterized by one aspect: the fragility of the legal pillars on which it is based, making it possible for them to suffer restrictions from the Government of Navarre, such as the undertaking from 1997 and particularly alarming from 2000 when the Government of Navarre broke up the Linguistic Policy Board for the CFN. In the Foral Community of Navarre, Basque has become one of the main ideological axes for the regionalist or state political forces represented by UPN and PSN, two of the three majority partisan forces in the community. UPN does not assume Basque as a language in its own right in Navarre but as a foreign language, so that political rejection of Basque nationalism goes hand in hand with the rejection of Basque language.<sup>13</sup> It is the very standardization of Basque which is questioned in Navarre, making it, as noted on 19<sup>th</sup> January, 2004, by Bojan Brezigar, director of the European Bureau for Lesser Used Languages (EBLUL), the only government in the European Union which legislates to restrict the use of the country's own language, which he qualifies as "unacceptable":

It is unique in the sense that there has been a regression in the rights of the bilingual community although, on the other hand, the situation of some minority languages in Europe is worse than Basque in Navarre. The Macedonians in Greece, for example, are forbidden to speak their language in public. This is a very serious situation. But in Europe there is no other case, apart from Navarre, where the level of protection for the minority language has gone down. It is the only case and causes us great concern. It is not acceptable that in a Europe

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12. The most striking aspect of the law is the total abstraction of historical memory, and lack of definition regarding its objectives. This is a law which does not mention the word "standardization" whilst referring to a ruling with these characteristics, although with limited content. Its preamble refers to the objective of "preserving" and "avoiding the deterioration" of the language. Nothing is said about the standardization of its use or about the boost to generalize its knowledge and the guarantee of linguistic freedoms. The terms used are extremely languid.

13. Erize, Xabier: "El discurso contrario a la normalización de la lengua vasca en Navarra", *Revista Internacional de los Estudios Vascos*, 46, 2, 2001. P. 661.

which talks increasingly about cultural and linguistic diversity, promoting all languages in the Union, saying that all languages have the same dignity, that a region as developed and advanced as Navarre goes into reverse in terms of protecting a minority language, Basque. I'll say it again: it is not acceptable. It is very worrying.<sup>14</sup>

As a consequence of the restrictive legislation, the legal and social situation of Euskara has been made much more precarious, as we will see below.

## **LEGAL SYSTEM, BASQUE, AND PUBLIC ADMINISTRATION IN THE CFN**

As we have mentioned, Navarrese citizens' linguistic rights when dealing with public powers depend on where they are physically in Navarre. Linguistic zoning supposes the application of a different legal regime in each of its zones, which occasionally generates serious collisions between zones and also compromises citizens' linguistic rights.

In fact, the main differentiation between the models to protect, guarantee and broadcast the Basque language within the education system of the Basque Autonomous Community and that of the CFN is the zoning which the CFN has set up by virtue of article 5 of Foral Law 18/1986. Members of parliament from *Unión del Pueblo Navarro* (UPN) supported in their current majority by the *Partido Socialista de Navarra* (PSN), promoted dividing Navarre's citizens into three zones, a "Basque-speaking zone", a "mixed zones" and a "non Basque-speaking zone". UPN defended the thesis that, given that the majority of the population in the north of Navarre is bilingual and that most of the population in the south of Navarre does not speak Basque, the territory's sociolinguistic situation imposed this division, with different rights relating to linguistic uses. In this way, a community of barely 600,000 inhabitants was divided into the aforementioned three zones. The two most serious immediate consequences of this measure are as follows:

- Zoning jeopardizes the universal character of the diffusion and transmission of the language and the culture, one of the fundamental pillars to diffuse human values. In this respect, this measure, far from integrating the population and universalizing the culture, generates increasing division between the two linguistic communities: Basque in the north and Spanish in the south.
- Zoning guarantees the full co-official status of Basque in the north of the territory (the Basque speaking area) but discriminates against Basque speakers in the mixed zone and puts Basque outside the law in the south zone. In this respect, Euskara remains completely excluded from the public

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14. "Bojan Brezigar, President of the European Office of Minority Languages, "It is unacceptable that Navarre has gone into reverse on protecting Basque." *Euskararen Berripapera*, No 141, February, 2004.

education system, the media and public administration in this area. In other words, echoing prohibitions from Franco's dictatorship, zoning tacitly imposes absolute prohibition of the use of the Basque language in all fields of public life (administration and education) in the south of Navarre. We should highlight again that the European Bureau for Lesser Used Languages (EBLUL) has repeatedly condemned the Government of Navarre's linguistic policy, a main exponent in Europe of governmental authorities persecuting a native language.

In accordance with this zoning of linguistic rights, which remain in practice circumscribed in the so-called "Basque speaking" zone of the CFN, a fragmented linguistic policy system has been articulated which divides citizens into three large groups according to their place of residence:

1. In the Basque speaking area: A double linguistic official status regime has been established, where both Basque and Spanish are official. It recognizes citizens' right to use both Basque and Spanish in their relations with the public administrations and the right to be attended in the language of their choice. Notifications and communications should be written in both official languages, except for interested parties who expressly request the use of just one language. This raises the question of whether notifications emanating from Navarrese administrations located in the "mixed" zone but sent to citizens in the "Basque-speaking" zone have to be written in both languages or not. In this respect, the Superior Court of Navarre has demonstrated that to determine the language of communications you have to be in the place of residence of the interested party (and not the regime applicable to the zone where the administration is located).<sup>15</sup> Consequently practically all documentation which is not circumscribed to the "Basque-speaking" zone must be written in Spanish which in practice affects the linguistic rights of people living in the "Basque-speaking" zone.
2. In the mixed zone: The law does not recognize the official status of Basque in this area, where the capital city of the community (Iruñea/Pamplona) is based along with its administration headquarters. Article 17 of Foral law 18/1986 declares that citizens have the right to speak to the public administration in Basque although it does not establish that the reply will be in Basque. Public administration will be limited by law to "take measures to guarantee that this right is exercised" without giving any details of what this might comprise. In practice, CFN administration does not have enough employees that speak Basque to be able to guarantee that citizens' rights to use Basque is respected, and linguistic rights are therefore impracticable.

In summary, the regulation of the use of Basque in the mixed zone is full of vague issues. Foral decree 135/1994, dated 4<sup>th</sup> July, does not man-

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15. Navarre Court of Appeal Sentence, 20<sup>th</sup> May 2004.

age to specify where “bilingual administrative circuits” will be located, citizens’ possible communications in Basque with the administration are not regulated in any way and finally the verb ‘tend’ is used excessively. It is clear that it leaves the door open to almost any action by the public administration. Discretion is such that the administration itself could stop using Basque, as occurs in practice, or it could reach levels of bilingualism which are similar (but never the same) as exists in the Basque-speaking area and continue within the law.

3. In the non Basque-speaking area: Basque does not legally exist in this zone. It does not recognize the right to use Basque to deal with public administrations, and if this is done, administrations will request that the interested party should present a written translation in Spanish to open a file, as only documentation in Spanish is legal.<sup>16</sup> Social desire for progression towards bilingualism in this zone does not appear in the legislation. Basque is completely excluded from the administration in this zone as not even co-official status is recognized nor are there qualified employees to make its use effective.

Regarding CFN administration and civil servants’ linguistic capabilities, articles 15 and 17 of Foral Law 18/1986 establish the obligation to speak Basque for certain public roles both in the Basque-speaking area and in the mixed zone. After its approval, several instances aimed to eliminate this condition although the sentence from the state Constitutional Court 82/1986 declared that this measure agreed with and respected the Constitution. This resolution has been confirmed by the recent sentence from the Supreme Court dated 20<sup>th</sup> March, which not only re-endorses being able to demand the use of Basque (or any other vernacular language) but it also permits this use to be extended further even in the “non Basque-speaking” area where the only official language is Spanish. In any case, the Government of Navarre does not require its civil servants to learn Basque, even though it is supposedly mandatory to know this language in their job located in the Basque-speaking area. Refresher courses are voluntary. Logically this leads to citizens’ linguistic rights being affected.

As an illustration we can state that only one position out of the 1405 civil servant jobs in the CFN governmental administration is required to speak Basque.

## **BASQUE IN THE EDUCATION SYSTEM OF THE CFN**

The CFN has not developed an educational ruling of its own despite having the legal and political tools to do so.<sup>17</sup> In parallel, as occurs with rights related to

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16. Alli Aranguren, Juan Cruz, “Perfiles institucionales de la lengua vasca en la Comunidad Foral de Navarra”, en *Euskara* 46, 2001. P. 1019. The author understands the lack of necessity to process a request if the interested party does not provide the translation.

17. By virtue of law 12/1997, dated 4<sup>th</sup> November, there is a Navarre School Council or Superior Education Executive or Local Councils. This is a Council for consulting purposes including different social sectors implicated in infant and obligatory education (non university, 3 to 18 years old).

public administrations, educational linguistic rights vary from one linguistic zone to another in the CFN. The right to learn Basque as a result of Basque instruction presents different outlines depending on the geographic place where they are to be exercised,

By virtue of Foral Law 159/1986 for non university studies, students can choose different linguistic models in which to study in obligatory primary and secondary teaching (3 to 18 years old): models A, D, B or G.

- Model G: Teaching entirely in Spanish. Basque is not taught, not even as an optional subject.
- Model A: Teaching entirely in Spanish with Basque as a subject.
- Model B: Mixed teaching in Basque and Spanish according to the following proportion: 40% in Basque and 60% in Spanish.
- Model D: Teaching entirely in Basque with Spanish as a subject.

Despite not being regulated by Foral Law 159/1986 there are two other models in the CFN: the British, and the Integrated Language Treatment, TIL. The Government of Navarre's Department of Education created two new linguistic models in 2003, Model I and J. The idea was to promote a new Anglophone linguistic model in the CFN thereby displacing models "in" or "with" Basque (D and B) which have expanded constantly since they were set up in 1986. However, the European Bureau of Lesser Used Languages from the European Union concluded in their report in 2003 that the Government of Navarre should extend the teaching of Basque (models D and B) throughout the community of Navarre. In this light, the models I and J were not put into operation but in 2003 the British model (education in Spanish and English) was created.<sup>18</sup> However, given the failure of this model, which was not adopted for years except by 1% of students, in 2008 the Department of Education created a new model, Integrated Language Treatment (TIL), with two linguistic aspects (Spanish and English with optional subject in Basque) and despite its failure it maintained the British model. The TIL is taught 40% in English, 40% in Spanish and 20% in a third language, which can be Basque (only in "Basque-speaking" or "mixed" zones) or any other language chosen by the school.

Despite the fact that Foral Law 18/1986 leaves many things unspecified, Foral decrees and development orders contain very exhaustive regulations. The teaching of Basque as a subject is only obligatory in the Basque-speaking area and this is due to the official status of this language in this zone. But teaching "in" Basque of all subjects in the education system is voluntary or optional, both in this zone and in the mixed zone. In the "non Basque-speaking" area, Euskara

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18. The British project emerged by virtue of the Agreement signed in 1996 between the Spanish Ministry of Education and Science and the British Council School of Great Britain for the progressive implantation of bilingual schools. This agreement specifies that one in every five professionals teaching in the schools using this system must be a native English speaker (British more precisely) or have completed a stay of five or more years in an Anglophone country. Despite the fact that this is not met in the CFN, the system was set up in 2003.

is completely excluded from the education system. The voluntary principle is therefore the most outstanding principle of the Foral Law 18/1986. It governs citizen's will in the "Basque-speaking" and "mixed" zones when choosing the linguistic model and when dealing with the administration. Citizens of the "non Basque-speaking" zone do not have this right to choose, as Basque is left out of the education system and excluded from public administration. In summary,

1. In the "Basque-speaking" zone the double official status regime requires school learning both in Basque and in Spanish. Learning both languages (as a subject) is obligatory for all students in this zone. Also, as far as the teaching transmission language is concerned, the legislation recognizes parents' rights to choose the official teaching language for their children (Basque or Spanish). This is a separation system, similar to what is applied in the BAC. In this zone the teaching is given through three models: in Basque (model D), in Spanish (model A) or mixed (model B). Parents can choose the model they want within the existing services available.
2. In the "mixed zone" on the other hand, learning Basque at school is voluntary; this means that it is not an obligation imposed by law nor derived from the status of the Basque language, as in this zone the official status of Basque has not been declared. Article 25.1 says that "in the non university education levels, Basque teaching is given to students who want it, so that at the end of their schooling they can obtain sufficient knowledge of this language." In the "mixed" zone, teaching "in" Basque is also voluntary. The law states the existence of streams "in" the Basque language in the "mixed" zone schools for students that request it. In addition to model G (entirely in Spanish), this zone offers models A (with Basque as a subject), B (mixed model) and D (model in Basque).
3. Regarding the "non Basque-speaking area", Basque is tacitly excluded from the public education system. Article 26 of Foral Law 18/1986 rules that "teaching Basque will be supported and, when necessary, totally or partially financed by public powers with criteria to promote and boost it, in accordance with the demand." The ruling does not quote teaching "in" Basque but only teaching "of" Basque, without declaring the right to receive it. The terms "support" and "financing" seem to move the prescriptions towards private teaching. The ruling has not foreseen the possibility of providing teaching "in" Basque in the "non Basque-speaking" zone. If a student enrolls in the TIL model, 20% of the subjects that can be given in the "other language" could be in Basque but also could be in French, German or any other language (whenever teachers are qualified to do so) that is not the Basque language which, as a language in its own right in Navarre, is the only one excluded from the education system.

The excessively restrictive character of the law is demonstrated by it being impossible to create schools which have instruction in Basque. Despite the legal restriction, there are five *Ikastolas* or private schools where classes are given following model D (teaching in Basque) in the "non Basque-speaking" zone. These

five centers are private initiatives (parent cooperatives) which provide teaching in Basque in a zone where the law does not include this possibility. This is an incomprehensible situation from a democratic perspective, regarding voluntary will and people's rights, particularly regarding education. Moreover, it is understood to be contrary to international ruling; by virtue of article 8.2 of the European Charter for Languages, the commitment to authorize teaching "of" or "in" Basque can only be made relative to circumstances such as the number of people requesting it, but in no case can this be because it was a "regional or minority language." In the educational field, there is a clear need to look again at the provisions of Foral Law 18/1986 for the postulates of the European Language Charter.<sup>19</sup>

Schematically, the proportion of students per zone and linguistic model in the academic year 2004-2005 was as follows:

Basque speaking area (8.11% of students in the CFN)<sup>20</sup>:

Model D and model B (in Basque): 85.82%

Model A (Spanish with Basque): 14.18%

Model G (in Spanish): 0.0%

"Mixed" zone (60.73% of students in the CFN)<sup>21</sup>:

Model D (in Basque): 27%

Model A (Spanish with Basque): 20.03%

Model G (in Spanish): 52.97%

Non Basque-speaking area (31.16% of students in the CFN)<sup>22</sup>:

Model D (in Basque): 2.3%

Model A (Spanish with Basque): 25.85%

Model G (in Spanish): 71.85%

The lack of proportion between zones and models jumps out; it is the consequence of a fault in the system and imbalanced linguistic policy resulting from the zoning or ghetto-creating policy for linguistic rights.

As we have said, growth for models D and B has been steady over the years, from 1986 to the present day 2008. In the academic year 2007-2008, a total of

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19. It should also be indicated that bilingualism is one of the key elements in school performance and that it is inversely proportional to school failure. School failure in the BAC and CFN is much below the Spanish state average; specifically in the CFN it stands at around 17% whilst the state average is 30%. Limiting bilingualism, from this perspective, indicates denying an important part of the student population an important tool to help prevent students failing.

20. European Council, *Second Periodic Reports on the application of the European Charter of Regional and Minority Languages*, 2006. Pp. 154-156.

21. European Council, *Second Periodic Reports on the application of the European Charter of Regional and Minority Languages*, 2006. Pp. 205-209.

22. European Council, *Second Periodic Reports on the application of the European Charter of Regional and Minority Languages*, 2006. Pp. 236-240.

90,403 school children studied in the CFN.<sup>23</sup> Of them, 57,427 were registered in the 244 state centers (63.52%), and 32,976 (36.48%) in sixty-seven subsidized private schools.<sup>24</sup> Per model, the number of students registered in the academic year 2007-2008 in the CFN was as follows:

- Model G (in Spanish): 50,686 students, representing 56% of the total.
- Model A (Spanish with Basque as a subject): 16,966 students, 19% of the total.
- Model D (in Basque with Spanish as a subject): 21,312 students, 24% of the total.
- Model B (40% in Basque and 60% in Spanish): 114 students, 0.12%.
- British model: 1,325 students, 1%.

Model D (in Basque) in the lower levels (three to six years old) attains a higher percentage than for older children, indicating that there is constant and sustained growth among the population choosing this model, despite administrative difficulties. As many as 43% of students choose a Basque mode in their teaching although in the second infant cycle and primary education (six to eleven years old) this exceeds 50%, specifically 54% and 52% respectively. Specifically, in the academic year 2008-2009, 56% of students chose model G (Spanish with no Basque), 43% chose models D and A ("in" Basque or "with" Basque) and 1% the British model. We should also take into account that students in the "non Basque-speaking" area cannot choose models D or B which obviously slows down growth in this model and in the development of Basque.

In accordance with pre-registration data<sup>25</sup> for CFN students in the academic year 2008-2009, models G (Spanish) and A (Spanish with subject in Basque) are losing ground to the models with English (British and TIL). 60% of the 6144 new students aged three years old who will start school in the CFN in September are signed up for models G or A, representing a drop of approximately 4% on the previous year (2007-2008). The drop is particularly noticeable in model G (exclusively in Spanish) which has dropped 10%, from 4097 students in 2007 to 3710 in 2008. It is clear that society in Navarre is opting for bilingual or trilingual models. Consequently, models D and B (partial or total education "in" Basque) are holding their ground with 30% of registrations, meaning one in every three students chooses an education entirely in Basque. Finally, as far as the British and the TIL is concerned, both models absorb 10% of the registrations, almost double last year's figures. However, the majority of the students (363) have chosen the new system (TIL) whilst the *British* model drops more than a point on the previous year and has just 241 registrations.

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23. 1424 more students than the previous academic year, representing an increase of 1.6%.

24. Private subsidized centers are mixed centers, private but with public financing and control.

25. The pre-registration period opened on 10<sup>th</sup> March 2008 and lasted until the 17<sup>th</sup> of the same month.

Model	Number of students	Percentage
Models G and A	3.710	60%
Models D and B	1.830	30%
British model	241	4%
TIL model	363	6%
Total	6.144	

Proportion of students per linguistic model. Pre-registration data for the academic year 2008-2009 for students aged three starting school in September, 2008.

Altogether, in 2008, more than 21,000 students are registered in models D and B in the CFN, of which around 3,000 (14.28%) go to private schools and more than 17,000 (85.17%) go to state schools. As far as higher levels are concerned, in June, 2008, 75% of Navarrese students took the *selectividad* university entrance exam in Spanish and 25% took it in Basque.<sup>26</sup>

In light of growing options in Basque and criticism from the European Commission, the Government of Navarre Education Minister, Carlos Pérez-Nievas, made a request on 3<sup>rd</sup> June, 2008, to the parliamentary groups from the Education Commission that after seeing the results of the sociolinguistic survey for autumn 2008 they should decide whether or not to modify Foral Law 18/1986 on “Basque language” in the CFN. In any case, Pérez Nievas is not in favor of eliminating linguistic zoning in the CFN, or expanding the mixed zone. The sociolinguistic commission which will determine the sociolinguistic study bases will be made up of Mikel Aramburu, Government Assessment and Research director, and three members of the Navarre Basque Council, Mikel Olazaran, Pablo Sotés and Asier Barandiaran.

As far as university education is concerned, the presence of Basque in the Public University of Navarre (UPNA) is scarce. Specifically, in accordance with a study on UPNA students’ linguistic profile, out of a total of 6833 students at this university in 2007, 4,295 (62.8%) declared that they had no knowledge of Basque, 840 (12.2%) said they knew a little Basque, and 1,884 (21.7%) said that they spoke fluent Basque. We should also point out that the number of Basque speakers in the UPNA in 1997 was 14.5%, so the percentage of Basque speakers has risen 7.2% in the last ten years.

Despite the fact that approximately 22% of students speak Basque and despite the fact that 84.56% of this group say that they want to study in the Basque language in the UPNA, this language continues to be practically excluded from university classrooms in the CFN. Specifically, in 2007, 192 subjects were taught in Basque (approximately 18% of the total) given by fifty professors, although there are plans to improve the offer in the Basque language over

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26. The university entrance exam ‘*selectividad*’ is the exam which gives students access to the university or in other words the last overall exam that a student takes in obligatory education.

the coming academic years and take on more teachers with skills in this language.

In order to deal with the increase in the demand for Basque at the UPNA, the Government Council for the University approved the Strategic Basque Plan on 13<sup>th</sup> March, 2007, with a budget of 120,000. As the Vice Rector for Planning and Prospectives for the UPNA, Juan Manuel Cabasés, explained, the aim of the Plan is to expand recruitment of associated professors and encourage the thirty-one teachers who can speak Basque but did not give classes in Basque in 2007 to do so in the future. In this way, they plan to add forty-seven more subjects in Basque for the academic year 2008-2009.

In any case, there are currently only two diplomas which can be partially studied in Basque in the UPNA (out of a total of twenty-two). This situation is very different from the achievements of the much better developed linguistic policy in the BAC for the University of the Basque Country/Euskal Herriko Unibertsitatea (UPV-EHU).

## **BASQUE AND SOCIAL MEDIA**

As opposed to what is law in the BAC, Navarre's Foral Law 18/1986 does not recognize the "right to receive information in Basque." It only says that

the public administrations will promote the progressive presence of Basque in the public and private social media. For this purpose, the Government of Navarre has the legal obligation to draw up plans for economic and material support so that the media uses Basque habitually and progressively. Relating to the field of social media, legislation is limited to planning promotion measures.<sup>27</sup>

The CFN is currently the only autonomous community in Spain with its own language which lacks public regional television and radio stations, despite the fact that their creation was planned in Foral Law 16/1985.

The adjudication of FM radio broadcasting frequencies has been particularly controversial in Navarre. On several occasions the *Euskalerría Irratia* station (the only one operating in Basque in the district of Iruñea/Pamplona) was refused its concession as a consequence of procedures presented as "arbitrary" by the parliament in Navarre.<sup>28</sup> Specifically, the political forces *Unión del Pueblo Navarro* (UPN), *Convergencia de Demócratas de Navarre* (CDN), and *Partido Socialista de Navarra* (PSN) rejected a motion by political party Nafarroa Bai (NaBai<sup>29</sup>) which

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27. In greater depth Biador, J., "El *euskara* en los medios de comunicación navarros durante el siglo XX: incidencia de la Ley del Vascuence en la información" *Revista Internacional de los Estudios Vascos* 46, 2, 2001, Pp. 647-659.

28. See conclusions from the Navarre Parliament research commission on this matter published in the Official Navarre Bulletin no. 34 dated 4<sup>th</sup> May 1999.

29. NaBai is currently the second political force in the CFN after UPN and it decidedly supports an integrating linguistic policy which respects linguistic rights of Basque and Spanish speakers.

attempted to concede a legalization licence to *Euskalerría Irratia* after the controversial concession of FM licences in 1998 which prioritized *Net-21*, over the radio broadcasts in Basque, and this firm later went bankrupt. NaBai's proposal was only supported by *Izquierda Unida* (IU) in the CFN Parliament, despite the fact that the Parliament in 2005 and the CFN Ombudsman questioned the previous administrative process to concede radio (FM) licences and advised that the process of awarding new licences should take into account *Euskalerría Irratia*.

The reading which can be made here is the need for more incisive legislation which awards legal guarantees to the principle of linguistic pluralism in the media. This legislation should guarantee the Navarrese citizens' rights to also receive information in Basque.

### **LEGAL DEVELOPMENT OF THE BASQUE LAW IN THE FORAL COMMUNITY OF NAVARRE (1997-2008)**

Since 1997 and fundamentally since 2000, the Government of Navarre started to regress in terms of policies for social standardization of the Basque language in the CFN. The UPN government's new linguistic policy was articulated through a restrictive and progressively limiting regulation of linguistic rights, laying down linguistic freedoms in impeditive terms and not in terms of social integration of languages as a way of guaranteeing linguistic pluralism. In barely ten years there have been no less than four Foral decrees, each more restrictive than the previous one, for the use of Basque.<sup>30</sup>

The most obvious step backwards occurred as the consequence of Foral Decree 372/2000, dated 11<sup>th</sup> December. Measures such as substituting existing bilingual road signs (Basque and Spanish) with new signs exclusively in Spanish, the disappearance of Basque in the institutional image of the administrations in the mixed zone (Foral or municipal) even for the Public University of Navarre located in the capital, the elimination of bilingual administrative circuits for Foral administration, limitations to assess the knowledge of Basque as a simple plus in civil service recruitment processes, all characterize the regulation and they are aspects which have repercussions on linguistic freedoms that the previous rulings guaranteed.

This ruling was cancelled by the Navarre Court of Appeal sentence dated 26<sup>th</sup> June 2002. On this occasion the court did not analyse the in-depth arguments from the appealing parties, but cancelled the ruling on a technicality (the lack of certain reports). Later, and after analyzing the perceptive reports, the Government of Navarre approved Foral Decree 29/2003, dated 10<sup>th</sup> February, which reproduced the previously cancelled articles textually. This established Spanish monolingualism in the "mixed" zone of Navarre. In other words, it now included

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30. Foral Decree 70/1994, dated 21<sup>st</sup> March; Foral decree 135/1994, dated 4<sup>th</sup> July; Foral Decree 372/2000, dated 11<sup>th</sup> December; Foral Decree 29/2003, dated 10<sup>th</sup> February.

the “mixed” zones into the “non Basque-speaking” area or it tried to turn the “mixed” zones into “non Basque-speaking” zones excluding the Basque language from all public fields. This ruling was also challenged and finally the Navarre Court of Appeal dictated a sentence on 20<sup>th</sup> May 2004,<sup>31</sup> declaring only four articles null. The sentence was appealed before the Spanish state Supreme Court and is currently pending resolution.

The organizational level has also suffered comings and goings derived from the change of tack in linguistic policy. Until 2000, there was a General Linguistic Policy Board dependent upon the Government of Navarre’s Department of Education. In 2000, the government eliminated the General Linguistic Policy Board and included its director in the Universities Board. Decree 29/2003 denied the General Board’s capacity to coordinate the activity of the different departments of the CFN government relating to the linguistic standardization policy. There is no longer a coordinating body. The decree’s logic is overwhelming: in Navarre there did not used to be a linguistic policy to promote Basque so it is therefore not necessary to have an administrative body to take charge of this.

Meanwhile, the Navarre Basque Council was created in 1996 as a collegiate body in charge of advising the Government of Navarre in terms of linguistic standardization. The body was made up of twenty members. As a consequence of the ruling against Basque put into practice by the government, in 2000 twelve out of twenty members resigned in protest against the UPN government’s attitude towards Basque.

The limiting guidelines of the Navarre linguistic policy have been demonstrated by the European Office of Regional or Minority Languages, through its resolution dated 3<sup>rd</sup> February 2001, which states:

At a time when one of the defining characteristics of Europe, linguistic diversity, has been reaffirmed in Nice by the European Union Member States by approving the European Charter of fundamental Rights, the autonomous government of Navarre is regressively reforming its own legislation on the Basque language, which is the language in danger in the Foral Community of Navarre. These decisions by the autonomous government of Navarre contradict the letter and spirit of the general conditions in matters relating to the linguistic policy in European institutions... consequently the Directors’ Committee from the European Office of Lesser Used Languages (EBLUL) denounced these reforms which would cause the extinction of bilingual signs and the use of the Basque language in numerous sectors of public administration in the mixed zone.

The Spanish state signed the European Charter for Regional or Minority Languages on 5<sup>th</sup> November 1992, and ratified it nine years later, 2<sup>nd</sup> February 2001. The European Charter for Regional or Minority Languages establishes that languages recognized as official in autonomy statutes such as Basque must be

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31. Different appeals were made against the Foral decree and there were several sentences, with identical content (among others, Sentence dated 16<sup>th</sup> December 2004).

protected and their use must be protected in territories where it is traditionally spoken such as the CFN. After appealing to the CFN to study the situation of Basque in this community, the Periodic Report on the Application of the European Charter for Regional or Minority Languages has harsh criticism for many of the measures adopted or not adopted by the Government of Navarre regarding Basque. In this way, the European Council Ministers committee approved a recommendation on 21<sup>st</sup> September 2005 requesting that the Spanish state should consider the possibility of applying some guarantees in the CFN “mixed” zone adapted to Part III of the European Charter for Regional or Minority Languages.

However, in the short term the report from the European Council has not received any kind of reply. In fact, three months after publication, 12<sup>th</sup> December 2005, the CFN Parliament approved an institutional declaration recognizing Basque “as the oldest language in Europe which forms part of international cultural heritage”, it needed firm support from the institutions, from local to European level, who should adapt a legislation which would guarantee its development as a contemporary language. However, immediately after approving this merely theoretical recognition, UPN, PSN and CDN<sup>32</sup> rejected a petition for Basque to be given the rank of official language in the European Union (UE). This is a previously unheard of case of a parliament denying its community’s vernacular language the mere voluntarily nature of becoming an official language of the EU.

In the light of this situation, criticism from EBLUL and the European Council multiplied. The European Council Ministers committee, on 21<sup>st</sup> September 2005, in its 928<sup>th</sup> session, made a serious criticism of Navarre’s authorities in relation to the linguistic policy in this community and the infringement of its citizens’ linguistic rights:

According to the report issued by the Expert Committee, the Navarrese administration only honors fifteen of its fifty-seven commitments. Two of the six recommendations of the Committee of Ministers refer specifically to the Navarrese administration.

For example, in the area of Education, the government of Navarre fails to fulfil its commitment to promoting teaching in or of the Basque language in primary education.

Regarding the regressive policies introduced by recent Navarrese legislation, the expert committee was able to discern the gist of these laws and policies from the large number of documents adduced by the Observatory of Linguistic Rights. However, because these are new, it will examine the effects of their implementation in a later study.

The committee of experts also observed that citizens using Basque suffer discrimination and suggests that applications made in Basque should be attended to punctually; the usual pattern is for paperwork in Basque to take longer to be processed.

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32. *Convergencia de Demócratas de Navarra* (CDN) is a conservative and regionalist party created in 1995. Currently CDN makes up government in a minority with UPN with tacit support from the *Partido Socialista de Navarra*.

Finally, the committee of experts drew attention to deficiencies in media resources, and specifically recommends that support be provided for private Basque-language radio and television broadcasters. It is noteworthy that the government does not propose to issue any radio licenses at all for Basque-language broadcasting in the Iruñea (Pamplona) area (i.e. Navarre's chief urban district).<sup>33</sup>

The evaluations and judgements from EBLUL and the European Council have finally born a little fruit over the last two years (2007 and 2008). On 23<sup>rd</sup> March, 2007, Foral Law 7/2007 was approved, to finance *Ikastolas* in the “non Basque-speaking” zone. Five months later, by virtue of Foral Decree 12/2007, dated 16<sup>th</sup> August, the departmental structure of the CFN Administration was set up and in accordance with the 6<sup>th</sup> article of this law it was established that Linguistic Policy fell within the authority of the Department of Education. One month later, on 10<sup>th</sup> September 2007, the Navarre Basque Institute/Euskararen Nafar Institutua (INV/ENI) was created by Foral Decree 183/2007 dated 10<sup>th</sup> September, which is an autonomous organism ascribed to the CFN Department of Education, with the aim of studying and assessing the development of the ruling on the official use of Basque in Navarre, as well as planning, promoting and managing resources for this language in the CFN<sup>34</sup>. By virtue of the decree to create the INV/ENI, the Government of Navarre considers appropriate that the INV/ENI, in a positive and integrating way, should provide human and economic resources for the recovery, promotion and development of Basque.

After the creation of the INV/ENI and on request from the European Council, which instilled through its Periodic Report on the Application of the European Charter on Regional and Minority Languages its desire to the Government of Navarre to collaborate with the BAC government in matters relating to linguistic policy, on 22<sup>nd</sup> February, 2008, the people with the highest responsibility for linguistic policy in the Basque Autonomous Community government and the government of Navarre (Miren Azkarate, Culture Minister in the BAC government, Carlos Pérez-Nievas, Education Minister in the CFN government, Patxi Bazarrrika, Deputy Minister for Linguistic Policy in the BAC and Xabier Azanza, Director of the INV/ENI) met. This was one small step but at least in the right direction.

On the other hand, and on the edge of the activity of the public powers of the CFN, on 19<sup>th</sup> May, 2008, the organizations Euskara Kultur Elkargoa (EKE) and Aurten Bai Fundazioa (ABF) signed a collaboration agreement so that the EKE would assume the representation of the European Office of Minority Languages (EBLUL) in Navarre which was assumed by ABF until that date, with headquarters in Amorebieta (BAC), as an organism did not exist or was not financed in the CFN with these authorities in Navarre. The aim of the agreement is therefore to strengthen and optimize the work of EBLUL in Navarre to help improve the situation of Basque in this community.

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33. “The Basque Language Needs More Support”, *Behatokia Newsletter*, N<sup>o</sup> 10, November 2005.

34. Official Navarre Bulletin, No 188, September 21<sup>st</sup>, 2007.

In summary, to date, the action of the CFN public powers has not assumed the objective of guaranteeing linguistic rights for citizens in Navarre; nor have they tried to eliminate the obstacles which make material equality difficult between the two languages which are spoken in Navarre; Spanish and Basque. It works from the fact that measures to promote Euskara discriminate against people who do not speak this language. This makes it impossible to overcome the situation of language inequality and any linguistic standardization is therefore blocked. This perspective of the Government of Navarre is legally incorrect as indicated in article 7.2 in the European Charter of Regional or Minority languages:

The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

Standardization's reason for existence is precisely adopting measures which favor the knowledge and use of languages in unequal situations in order to create conditions of equality between languages in contact.<sup>35</sup>

### **SOCIOLINGUISTIC SITUATION OF BASQUE IN THE CFN (2008)**

Despite the limitations which Foral Law 18/1986 imposes, the sociolinguistic situation of Basque in the CFN has improved considerably in the last twenty-two years (1986-2008). We should highlight, however, that this progress is fundamentally due to the work of private collectives or parents' cooperatives which on many occasions have had to face up to and overcome limitations imposed by Foral Law 18/1986 with scarce resources. Particularly alarming is the situation in which zoning the population of Navarre has created in the "mixed" and "non Basque-speaking" areas, for collectives of citizens who want their children to study in Basque or who want to deal with the public administrations in this language. All schools which give classes in model D in the "non Basque-speaking" zone are cooperatives of parents, or in other words private initiatives.

The Foral Community of Navarre extends over a territory of 10,391 km<sup>2</sup> with a population in 2006 of 601,874 inhabitants. The most current general sociolinguistic data (from the sociolinguistic survey in 2001<sup>36</sup>) shows that 12.29% of the population over sixteen years old is perfectly bilingual which represents a total figure of approximately 48,300 persons (as opposed to 43.2% in the Basque Country Autonomous Community).<sup>37</sup> Another 5% of the population speaks or

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35. Urrutia, Iñigo, *Derechos lingüísticos y euskara en el sistema educativo*, Lete, Iruñea, 2005. P 600 and next.

36. The Basque Government Department of education plans to run a new sociolinguistic survey in autumn 2008.

37. European Council, *Second Periodic Report on the application of the European Charter of Regional and Minority Languages*, 2006. P. 20.

understands Basque, although with some difficulty. However, most Basque speakers are passive bilinguals, meaning that they speak Basque but it is not their first contact language. This is a common phenomenon for all minority languages, given that most of the press, radio and TV, social, cultural and economic activities in the community are provided in Spanish, so the possibilities of speaking in the vernacular are lower.

This data contrasts with data obtained by the survey run by the Government of Navarre in 2003, which states that 20.2% of the population of Navarre speaks Basque more or less correctly. Consequently, 78% of the population in Navarre over fifteen years old does not speak Basque, although the proportion of monolinguals has dropped over the past ten years, passing from 86% in 1991, to the aforementioned 78% in 2001.<sup>38</sup> The reduction of the percentage of this population is much higher in the under sixteen age group, given that approximately 60% of the school population in the CFN studies in model D (only in Basque) or in model B (Basque and Spanish) which obviously has considerably increased the percentage of bilingual population.

The distribution of the Basque-speaking population within Foral territory is extraordinarily unequal. The greatest density of bilingual population is concentrated in the northern zone or the “Basque-speaking” zone where 75% of the population is bilingual (60% bilingual and 7.5% passive bilinguals and 7.5% with knowledge of Basque). So then, in absolute numerical terms the highest number of people who declare that they are bilingual is concentrated in the mixed zone including the capital city Iruñea/Pamplona. This area concentrates 16,000 active bilinguals and 23,000 passive bilinguals, approximately 20% of the population in this zone. 37.2% of the Navarre’s population live the southern half (non Basque-speaking zone). Here the percentage of bilingual citizens is only 8%, although it is in this zone where the greatest percentage rates of progression in Basque are seen, despite the restrictive legislation. This demonstrates the social wish for progression for Basque from a large part of the population in this zone, which we alluded to at the start of this section.<sup>39</sup>

However, it is a cause for concern that with more than 67.5% of the population speaking Basque in the “Basque-speaking” area and 6.5% in the “non Basque-speaking” area, the current legislation is emphasizing this inequality by strengthening the use of the Basque language in the north and practically prohibiting it in the south, in this way generating two cultural and linguistic situations in a community with barely 600,000 people. All the data emphasizes this fact, from the percentage of speakers attending classes to perfect their Basque (14%

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38. European Council, *Second Periodic Report on the application of the European Charter of Regional and Minority Languages*, 2006. P. 36.

39. Navarre School Council “Report on the education system 2000-2001”, section 6.1 and table 81. In the non Basque-speaking area model A (only legalized bilingual model) has increased spectacularly rising from 3% to 25.8% in the last ten years. In the public school network practically 50% of 3 year old students take model A (542 students) and model G, entirely in Spanish (560 students).

in the “Basque-speaking” zone and 5.5% in the “non Basque-Speaking zone”) up to the percentage of students studying in model D (in Basque) which rises to 85.82% of the students in the “Basque speaking” zone whilst it barely reaches 2.3% in the “non Basque speaking” zone.<sup>40</sup>

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