

LANGUAGE RIGHTS COMPLIANCE: THE COLLATERAL THAT SECURES THE TERRITORIAL INTEGRITY OF A STATE

The first act of the Ukrainian parliament after the revolution was to revise the effective language law, thereby restricting the language rights of native Russian, Hungarian and Romanian speaking Ukrainian citizens. Under the effective language law, a given Russian, Hungarian or Romanian speaking minority population could use its native language as an official minority language if the population exceeded the 10% threshold in a given region; the Ukrainian parliament's revision raised this threshold to 50%.

Russia responded by annexing the Crimean Peninsula. The new Crimean parliament's first act was to pass a fundamental law that recognizes three official languages: Russian, Ukrainian and Crimean Tatar. Russia legitimizes its actions by the protection of the human rights of the Russian speaking population.

At the same time, Romania has also voiced threats against Russians living in Moldavia. Romanian president Basescu spoke candidly in the Romanian press about his theory that Romania's annexation of Moldavia may lead to the realization of the Greater Romania. Basescu's words were harshly criticized in Moldavia. The fact is that native Russian speaking Moldavians in the Greater Romania would hardly comprise 1% of the total population, whereas currently they make up 30% of the population in their own region of Transnistria. The

Gagauz people living in Moldavia may also have reason to fear Moldavia's possible unification with Romania.

Ukraine and Moldavia neighbor Romania, and similar to Romania, they also have multilingual populations. All three countries have large minority populations, and the minority language borders do not coincide with state borders. It may seem like a nightmare to native Russian speakers in Moldavia and Ukraine to suddenly find themselves in European Union member nation-states whose state borders have shut off native Russian speakers from their fellow native speakers in the same language territory. In a scenario such as this, as small minority populations, they can end up becoming easy prey to nationalistic and chauvinistic political games.

This is why language rights play such a fundamental role in this conflict. After the ethnic fiasco in Yugoslavia, or rather as an effect of it, respect for language rights was established as a precondition that had to be met by all former Soviet republics, as well as Romania, before gaining accession to the European Union. The treaties ratified by Romania, for example the 1996 Strasbourg Framework Convention, guarantee and protect unobstructed use of autonomous minority languages, for example the Hungarian language in Romania. The European Minority Language Charter formulates further ordinances and decisions that encourage the use of autonomous minority and regional languages. The Netherlands also ratified these treaties and conventions and applies them to the language rights of its own autonomous minority, the Frisian minority language.

Theoretically as well as on paper, in Romania the Hungarian language is to be used as an official language in those administrative districts where the native Hungarian speaking population comprises at least 20% of the total population. Article 120 of the Romanian Constitution guarantees this right. In practice however, the Hungarian language cannot be used freely as an official language even where the native Hungarians make up 97% of the total population. Local police physically beat the author of this article for speaking the official Hungarian language in Marosvásárhely (Târgu Mureș), Romania, where the Hungarian speaking population comprises 50% of the total population. Court proceedings against the local police are in progress.

Nearly 7% of Romania's population declare themselves to be ethnic Hungarian. This corresponds to approximately 1.5 million people, more than the total population of countries such as Malta or Estonia. Nonetheless, the Romanian government structurally and systematically denies their language rights. To this day Hungarians in Romania are treated as second-class citizens in their native land where their predecessors are buried. They are completely underrepresented in the legal system, law enforcement institutions, and public administration. Though everything sounds very good on paper, Brussels continues to drag its feet regarding the monitoring of the practical application of language rights. Considering all of this, it is completely justified that native Russian speakers fear Moldavia's and Ukraine's accession to the European Union.

Neighboring European Union member Romania does not observe the treaties it ratified, and it does so without any repercussions whatsoever. In 2012,

the *European Language Rights* Foundation prepared a report entitled [Broken Promises](#), in which the foundation warns the government of Netherlands that Romania's failure to observe European language laws is also detrimental to the Netherlands' legal system and slows down Eastern Europe's integration into the European Union.

Therefore, the European Union has no moral right to interfere in the Ukrainian crisis as long as the European Union remains incapable of monitoring observance of the language rights it itself set forth as the preconditions for accession to the European Union.

Dr. G. Landman, published in NRC Handelsblad issue 20-4-2014.

Dutch: http://www.language-rights.eu/NL_TAALRECHT.pdf

Romanian: http://www.language-rights.eu/RO_TAALRECHT.pdf

Hungarian: http://www.language-rights.eu/HU_TAALRECHT.pdf

English: http://www.language-rights.eu/GB_TAALRECHT.pdf

On the official website of Tordaszentlászló (Săvădisla) at <http://www.primariasavadisla.ro> **NOT A SINGLE WORD IS WRITTEN IN HUNGARIAN**, whereas Article 120 of the Romanian Constitution and Article 76 of Law No. 215/2001 regarding public administration state the mandatory use of Hungarian as a second official language if the ethnic population exceeds the 20% threshold.

Thus, those European citizens who speak the second official language of the municipality are completely shut off from the municipality's political, economic and administrative matters. Hereby Romania cannot guarantee the European citizens those fundamental human rights that millions of its own citizens enjoy throughout Europe.

Moreover, there is no information in English, German or French on the website.



For additional information on language rights:



LANGUAGE-RIGHTS.EU