

Limbörgse Academie - Limburgish Academy Implementation European Charter for Regional or Minority Languages NGO Report for the Limburgish language 2015 - 2018

Limbörgse Academie (Limburgish Academy)

The *Limbörgse Academie* (Limburgish Academy) is a nonprofit established in 2007 as a foundation (*stichting*) under Dutch law. Our aim is to make Limburgish accessible to both linguistic researchers and the wider general public to contribute to the preservation and further development of the language.

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From 2006-2016 the *Limbörgse Academie* (LA) has developed online dictionaries Limburgish-Dutch (40000 entries) and Limburgish-English (35000 entries). In 2017, in partnership with Microsoft, we developed and launched a predictive Limburgish keyboard on the SwiftKey app to assist the use of Limburgish on mobile devices. Our current Limburgish Corpus Dictionary (LCD) project started in 2016, for which we are digitally collecting Limburgish literary and other texts with metadata in our Limburgish Corpus database. Over the next couple of years, we will develop an online Digital Library of Limburgish, a digital Limburgish Research Corpus for academic research, and an online Limburgish Dictionary.

Funding so far has been dependent on small private donations and volunteer contributions. As a private organization we do not qualify for grants from the Netherlands Organization for Scientific Research (*Nederlandse Wetenschapsorganisatie*). Limburgish private funds deem language initiatives to be a government matter and refer to the government for funding. Since 2018 we have been in conversation with the province for funding for our LCD project.

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Summary

Our observations and suggestions regarding the implementation of the European Charter for Regional or Minority Languages (ECRML) for Limburgish contains two main sections. The first deals with the Dutch government's refusal to implement the obligations under the ECRML. The second part examines legal and policy considerations, practices, key developments since 2016 and suggestions for improvements for the different domains contained in the ECRML.

We submit that the Dutch government's refusal to apply the ECRML falls foul of international law, as well as directly applicable international obligations and national provisions contained in the Dutch legal order. These legal requirements also preclude the possibility to delegate responsibility for implementation of the ECRML to a regional government. The regional government partly lacks competencies to enact language policies and has traditionally eschewed a pro-active and leading role in promoting Limburgish by shifting responsibility mostly to volunteer-run organizations. We are supportive of recent developments regarding the regional government's developing new language policy and negotiations with the Dutch government for a Limburgish Covenant. We would urge that a coherent policy is formulated with explicit goals and adequate funding to promote and extend the use of Limburgish in all domains mentioned in the ECRML.

The Dutch government's refusal to apply the ECRML means that statutory impediments continue to hamper the promotion of Limburgish in virtually every domain mentioned in the ECRML. For the educational domain, statutory provisions allowing for the use of a '*streektaal*' are an invalid legal basis for Limburgish in education, having been superceded by Limburgish's recognition as a regional language. These '*streektaal*' provisions are also inadequate, since they fall foul of ECRML obligations and are insufficient to guarantee the structural inclusion of Limburgish at all levels of education. There are many initiatives in Limburgish in the domain of cultural life, but structural policies are lacking. For media, Dutch legislation prescribes that at least half of public TV content is in Dutch, leaving room for other languages, including Limburgish. Recent reorganization of the regional public media is raising concerns in how far regional identity can be maintained, including broadcasting in Limburgish. Due to the Dutch government's refusal to include media in the Limburgish Covenant an initiative at the regional public broadcaster to reform and extend its internal Limburgish language policy was shelved. The use of Limburgish in the domains of administration and courts remains severely hampered by statutory restrictions and the absence of policy initiatives. Where regional government policies or internal policies within organizations on language usage exist, these are usually reactive, allowing for some use of the language rather than actively promoting it. We submit suggestions for the promotion of Limburgish in some domains and urge a more pro-active stance in promoting the use of Limburgish in line with ECRML obligations.

Finally, we offer arguments why digitization is even more useful and necessary for minority languages like Limburgish than for majority languages.

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1. Introduction

At the invitation of the Council of Europe's Committee of Experts we would like to submit our observations and suggestions regarding the implementation of the European Charter for Regional or Minority Languages (ECRML) for Limburgish. Unfortunately, we lack sufficient resources to also comment on the implementation of the ECRML for other regional languages in the Netherlands. We were invited on 23 October 2019 to submit a report and apologize if some information is lacking or appears incomplete.

The information we provide here is based on Dutch laws, regulations and case law, language policy documents of the Limburgish government and communications to the Limburgish Parliament, experiences and information obtained from interactions with provincial civil servants, information received from contacts and supporters in the field, and media reports. We first have some general remarks on the implementation of the ECRML for Limburgish. Subsequently, we discuss implementation for different policy areas.

2. General remarks on the implementation of the ECRML

Legal framework: the LA supports repeated statements from the Council of Europe that the Dutch national authorities are responsible for the implementation of the ECRML. The Dutch government's refusal to implement its obligations for Limburgish under the ECRML falls foul of different legal requirements:

1. Under international law the Dutch State, as High Contracting Party, is required to fulfill its obligations under a signed and ratified international instrument. This was also the position of the Dutch government when discussing ratification of the ECRML in the Dutch Parliament.¹ The Limburgish regional government is not a Party to the ECRML nor an independent and sovereign State responsible for implementation;
2. Dutch constitutional or statutory provisions lack a basis for delegation to regional governments of the implementation of international obligations;
3. Under national law the Dutch government is in violation of the Dutch legal order and article 1 of the Dutch Constitution, which states that:

"Allen die zich in Nederland bevinden, worden in gelijke gevallen gelijk behandeld. Discriminatie wegens godsdienst, levensovertuiging, politieke gezindheid, ras, geslacht of *op welke grond dan ook*, is niet toegestaan." (*All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted.*)

'Language' is not specifically mentioned as a protected class, but case law of the Dutch Supreme Court (*Hoge Raad*) has generally interpreted 'classical human rights' based in international legal instruments as being directly applicable within the Dutch legal order.² The prohibition of discrimination on the basis of 'language' is such a 'classical human right'. 'Language' is contained in various international treaties to which the Kingdom of the Netherlands is a Party³, including article 14 European Convention on Human Rights (ECHR)⁴, as well as article 1 Protocol No. 12 ECHR⁵. The prohibition of discrimination based on 'language' is therefore part of

¹ *Kamerstukken II 1994-1995, 24092, 3 (MvT).*

² See e.g. HR 30 mei 1986, NJ 1986, 688; and citing case law on the applicability of 'classical human rights' within the Dutch legal order: Chébtî, M. (2014). *Rechterlijke toetsing aan een ieder verbindende internationale verdragsbepalingen*, *WB Bundel Wetenschappelijke Bijdragen*, pp. 83-124; Emmerik, van, M.L. (2008). *De Nederlandse Grondwet in een veellagige rechtsorde*, *Rechtsgeleerd Magazijn THEMIS*, pp. 145-161.

³ This includes e.g. articles 2, 24, 26 and 27 International Covenant on Civil and Political Rights of 1966; Internationaal Verdrag inzake burgerrechten en politieke rechten, *Trb.* 1978, 177.

⁴ Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, *Trb.* 1990, 156.

⁵ Protocol nr. 12 bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, Rome, 04-11-2000, *Trb.* 2001, 18. See e.g. Rb Den Haag, 11 juli 2012, LJN BX0977 for the direct applicability of its article 1 in the Dutch legal order.

the Dutch legal order and, we would maintain, also a protected class under article 1 Dutch Constitution included in the phrase '*or on any ground whatsoever*'.

Both Limburgish and Frisian have been recognized as a 'regional language' under the ECRML. Although the Dutch government has declared only Part II ECRML applicable to Limburgish and both Parts II and III to Frisian, the fact that Frisian was granted more extensive rights under the ECRML does not mean that legally speaking Limburgish is a 'lesser' regional language. The ECRML legal concept of 'regional language' itself does not distinguish different categories, but is a 'single notion'.⁶ This is irrespective of whether a contracting party has decided to apply more legal provisions to one regional language than another. The ECRML legal term 'regional language' is therefore separate from the legal rights that are declared applicable to a recognized regional language. Put differently, both Frisian and Limburgish are similarly and equally 'regional languages' as defined by the ECRML, even though they enjoy unequal rights under the ECRML.

Within the Dutch legal order, the recognition as a 'regional language' under the ECRML has further legal effects. Based upon the ECRML and its incorporation into Dutch law, both Dutch and Frisian are legally recognized as a 'regional language' within the Dutch legal order.⁷ Since the ECRML's concept of 'regional language' is legally a 'single notion', separate from the rights declared applicable under the ECRML, also within the Dutch legal order both Frisian and Limburgish are similarly and equally, without distinction, a 'regional language'.

Since both Frisian and Limburgish are similarly and equally a 'regional language' within the Dutch legal order and based upon our argumentation above that a prohibition of discrimination based on 'language' is part of the Dutch legal order, we assert the following:

- a) the Dutch government is acting contrary to the Dutch legal order by implementing ECRML provisions for speakers of the Frisian regional language but not for speakers of the Limburgish regional language;
- b) the Dutch government is acting contrary to the Dutch legal order by granting speakers of one regional language (Frisian) rights under Dutch law that it does not grant to speakers of another regional language (Limburgish);
- c) *au fond*, the Dutch government has acted contrary to the Dutch legal order by having declared different Parts of the ECRML applicable and thereby granting different rights to speakers of the Frisian regional language and speakers of the Limburgish regional language.

4. The argument of the Dutch government that the Limburgish regional government is responsible for the implementation of the obligations for Limburgish under the ECRML, because the regional government initiated the request for the recognition of Limburgish is invalid, because:

- a) for Frisian the national government fulfills its obligations under the ECRML and the Frisian recognition under the ECRML is the outcome of repeated requests made by the Frisian regional government ever since the 1950s for more political and legal recognition of Frisian as a language;
- b) Dutch constitutional or statutory provisions lack a basis for delegation to regional governments of language policies. Dutch Acts of Parliament (*wetten in formele zin*) and regulations (*Algemene Maatregelen van Bestuur*, etc.) currently disallow the implementation of the language policy obligations under the ECRML. Only

⁶ Article 1 ECRML and Explanatory Report ECRML, no. 20.

⁷ This is based on the *European Charter for Regional or Minority Languages of 25 June 1992, CETS no. 148*; its incorporation into Dutch law by *Wet van 26 januari 1996 tot goedkeuring van het op 5 november 1992 te Straatsburg tot stand gekomen Europees Handvest voor streektaalen of talen van minderheden*, Trb. 1993, 1 en 199, approval to include Limburgish via Min. Reg. van 20 februari 1997, *Stcrt.* 1997, 57, and the respective depositions of instruments for Frisian (and Low Saxon) *Declarations contained in a Note Verbale handed over by the Permanent Representative of the Netherlands at the time of deposit of the instrument of acceptance, on 2 May 1996* and for Limburgish *Declaration contained in a Note Verbale from the Permanent Representation of the Netherlands, dated 18 March 1997, registered at the Secretariat General on 19 March 1997*. The Charter entered into force in the Netherlands on March 1, 1998.

the national authorities can amend these and assure implementation of its obligations under the ECRML, not the Limburgish regional government.

5. The argument of the Dutch government that the regional Limburgish government is better placed to implement the obligations under the ECRML and enact language policies that allow for a 'tailor-made approach' and take into account local circumstances is invalid, because:

a) the Dutch government is also able to implement its obligations under the ECRML for Frisian in cooperation with the regional government of Fryslân tailored to the local circumstances in that province.

Policy framework: no national language policy exists for Limburgish. From 2016-2019 the regional government based its promotion of Limburgish mainly on the '*Toekomst voor Erfgoed!* (Future for Heritage) policy document. Regional language policy is subsumed under policies regarding intangible cultural heritage. The Limburgish government's stance on language policy is reactive, relying heavily on volunteer-run regional languages organizations for policy ideas and initiatives to promote Limburgish. Smaller grants are available for one-time events focused on a limited number of traditional domains where Limburgish is used.

Practices: provincial funding procedures to promote Limburgish are experienced as cumbersome and unpredictable. Previous provincial civil servants displayed a lack of expertise regarding language politics and policies and a dismissive attitude regarding the necessity for certain types of (longer-term) projects. There is a high turnover of civil servants dealing with language policies and grants. Fulfilling grant criteria is extremely time-consuming, information on grant criteria application is unavailable, and the government's timely response to a grant request is uncertain. Some have expressed experiencing the grant procedure as a 'fight'.

Key developments since 2016: the *Streektaalsymposium* in 2017 (repeated in 2019) and the *Taaltafel* to discuss the preservation of regional languages in the Netherlands are positive developments. The LA was not invited to these conferences, but we have received an invitation for the *Streektaalsymposium* 2019. We look forward to any concrete results from these meetings. We welcome negotiations on a Covenant to promote Limburgish, but are concerned the Dutch government refused to include ECLRM domains, like media, administration and elderly care. We understand that similar to the Low Saxon Covenant it will likely not be legally binding. We support the Limburgish government's policy document '*'n Laeve lank Limburgs*' (A lifetime of Limburgish) and its goals to retain in 10 years' time the same number of Limburgish speakers as today and establish a Limburgish Language Union as a new authority for Limburgish.

Suggestions for improvements: our main concern is that the national government will continue to refuse the implementation of its ECRML obligations for Limburgish. We are also mindful that the Limburgish Covenant and the regional language symposia will be used to deflect further calls to implement ECRML obligations. We are supportive of negotiations on a Covenant and urge the national and Limburgish governments to establish more permanent, structural consultations to collaborate on a coherent, pro-active language policy for Limburgish based on ECRML obligations and other legal requirements.

We submit that a new language policy should focus on Limburgish as a general and daily-used means of communication, rather than part of cultural heritage and supporting only a few specific cultural activities. Vitality of a language is linked to assuring its usability in many different areas of life in line with UNESCO recommendations⁸ and ECRML obligations. As such we would urge that a coherent policy is formulated with explicit goals and adequate funding to promote and extend the use of Limburgish in all domains mentioned in the ECRML. We are supportive of the proposed Limburgish Language Union. Volunteer-run language organizations and initiatives are indispensable for Limburgish, but are neither a substitute for a coherent, structured and professionally executed language policy, nor a means to fulfill obligations under the ECRML.

⁸ UNESCO Ad Hoc Expert Group on Endangered Languages (2003). *Language vitality and endangerment*. Document submitted to the International Expert Meeting on UNESCO Programme Safeguarding of Endangered Languages, Paris, 10–12 March 2003, pp. 9-10 <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CLT/pdf/Language_vitality_and_endangerment_EN.pdf>.

3. Limburgish in education

3.1 Limburgish at all appropriate stages of education

Legal framework: Dutch legislation (including recently enacted amendments) does not provide a valid and adequate legal basis for Limburgish to be used in education as a language of instruction and to be taught as a subject. Statutes on pre-school⁹ and primary¹⁰ education mention the use of '*de Friese taal of een streektaal in levend gebruik*' (the Frisian language or a '*streektaal*' in current usage). No such provision exists for secondary education.¹¹ Prior to its recognition as a 'regional language', Dutch law allowed some use of Limburgish in education as a '*streektaal*'. However, current Dutch educational laws do not include provisions for the use of a 'regional language' other than Frisian, which is explicitly mentioned by name. '*Streektaal*' is not the same legal concept as 'regional language'. The plain text meaning of '*streektaal*' in Dutch is 'dialect', a legal concept obsolete for Limburgish since its recognition as a regional language under the ECRML. The Dutch government also views these legal concepts as distinct; the Dutch translation of the ECRML legal concept of 'regional language' was changed from '*streektaal*' in 1993¹² to '*regionale taal*' in 1998¹³. The current legal basis has therefore become invalid to allow for Limburgish in education.

Since article 4(2) ECRML protects pre-existing, more favorable regimes for a regional language this would oblige the Dutch government to enact provisions to reinstate rights that Limburgish has previously enjoyed as a '*streektaal*'. However, these pre-existing '*streektaal*' provisions are inadequate to satisfy obligations under the ECRML, since they disallow a '*streektaal*' to be used as a language of instruction in secondary education. The '*streektaal*' provisions also disallow its teaching as a regular subject at any stage of education. Finally, these '*streektaal*' provisions appear to be *prima facie* inadequate, since otherwise it would have been unnecessary in the past 60 years to increasingly enshrine additional legal provisions for Frisian in education.

Policy framework: to date no policies exist for the structural inclusion of Limburgish as a language of instruction and a subject at all levels of education. A 2006 voluntary program sponsored by the Limburgish government to shape attitudes regarding Limburgish in primary (*Dien Taal*) and secondary (*Wiejer in dien Taal*) education to our knowledge has failed to take hold in Limburgish schools.

Practices: in pre-schools Limburgish is used as a language of instruction in one-to-one conversations¹⁴ and is sporadically included on a voluntary basis as a topic at select schools.

Key developments since 2016: we support current proposals by the Limburgish government to include Limburgish in pre-school education and are appreciative of the research by the Chair of Languageculture at Maastricht University to provide a solid basis for policy. There was an initial backlash in the media based on a misunderstanding of the new proposals. Policy was equated with an obligation rather than an opportunity to use the language in pre-schools.¹⁵

Suggestions for improvements: We assert that current and future policy initiatives based solely on voluntariness are insufficient to guarantee the structural inclusion of Limburgish at all levels of education. We suggest that the national and regional governments need to provide sufficient regulatory and financial backing to assure cooperation of government educational authorities and equip schools with the necessary expertise and capacity to teach Limburgish.

⁹ Article 1.55(1) Wet Kinderopvang, *Stb.* 2004, 555.

¹⁰ Article 9(13) Wet op het primair onderwijs as recently amended on 01-08-2019, *Stb.* 2019, 119.

¹¹ See Wet op het voortgezet onderwijs as recently amended on 02-04-2019, *Stb.* 2019, 119.

¹² Europees Handvest voor streektaalen of talen van minderheden, Straatsburg, 5-11-1992, *Trb.*, 1993, 199.

¹³ Europees Handvest voor regionale talen of talen van minderheden, Straatsburg, 05-11-1992, *Trb.*, 1998, 20.

¹⁴ Morillo Morales, G. (2018). Kalle v'r Limburgs, of spreken wij Nederlands?, retrieved from <<https://www.neerlandistiek.nl/2018/08/kalle-vr-limburgs-of-spreken-wij-nederlands/>> (02/20/2019)

¹⁵ Cornips, L. (2018). "Kind moet over op het 'plat'", retrieved from <<https://www.neerlandistiek.nl/2018/07/kind-moet-over-op-het-plat/>> (30-09-2018).

3.2 Limburgish for L2 learners

Legal framework: unknown

Policy framework: unknown

Practices: there are no continuous classes offered for L2 Limburgish learners. Sporadically, Limburgish language classes are offered by volunteers mostly associated with local Veldeke chapters. However, most focus on teaching writing in Limburgish to Limburgish speakers, not L2 classes.

Key developments since 2016: in 2019 '*Levende Talen*' (Living Languages), an association (*vereniging*) in the Netherlands with its goal to promote and develop the teaching of languages, has established a section for Limburgish with a focus on L2 learning.¹⁶

Suggestions for improvements: We assert that the national and regional governments need to provide sufficient regulatory and financial backing and equip schools with the necessary expertise and capacity to teach L2 Limburgish.

3.3 Limburgish at universities or equivalent institutions

Legal framework: the Dutch statute on higher education does not make any provisions for Limburgish to be used as a language of instruction, be taught as a subject, or be a subject of study and research.¹⁷

Policy framework: currently no official policy supports Limburgish in higher education. Also, the Netherlands Organization for Scientific Research (*Nederlandse Wetenschapsorganisatie* or NWO) has no grant money specifically designated for the study and research of Limburgish. The linguistic study and research of Limburgish is not a subject in its own right.

Practices: the part-time Chair of Languageculture at Maastricht University focuses on local and social identity constructions through language and cultural practices, including Limburgish. The Limburgish Academy maintains a growing digital collection of Limburgish texts with metadata (Limburgish Corpus) that is available for academic research.

Key developments since 2016: as part of its new developing language policies the regional government's proposal to establish a Limburgish Language Union (*Limburgse Taolunie*) (LLU) as an authority for the Limburgish language seems promising. The House of the Arts (*Huis voor de Kunsten*) will facilitate a process during the latter part of 2019 to inventory the views of the regional language organizations regarding tasks and organizational structure of an LLU.

Suggestions for improvements: We are mindful that for the effectiveness of an LLU professionalization of the Limburgish language field, adequate funding, and partnership with the national and regional governments engaged in policymaking are essential. We also suggest funds are made available for the activities of the Limburgish Academy and for scientific research to assess policymaking and policy implementation specific to the situation for Limburgish.

4. Limburgish in cultural life

Legal framework: unknown

Policy framework: regional and local governments promote some events in Limburgish, especially performing arts and some other cultural activities. We are not aware of any current structural policies to promote Limburgish in the performing arts, literature or other cultural activities. Up until about 15 years ago the Limburgish government sponsored book publications, also in Limburgish. The policy was revoked and,

¹⁶ See <<https://levendetalen.nl/talensecties/limburgs/>>.

¹⁷ See Wet op het hoger onderwijs en wetenschappelijk onderzoek as recently amended on 01-02-2019, *Stb.* 2019, 173.

as far as we are aware was never reinstated, in spite of an administrative appeal deeming the revocation illegal. However, some Dutch language publications continue to be supported by the regional government.

Practices: volunteer-run organizations and private, societal initiatives engage in most of the promotion of Limburgish in cultural life. Performing arts in Limburgish is common and province-wide carnival associations use Limburgish in speech and writing. Veldeke Limburg and its local chapters periodically publish books and newsletters and organize cultural events in Limburgish. The House of the Arts (*Huis voor de Kunsten*), a Limburgish governmental organization, periodically publishes *Platbook*, a literary series in Limburgish. Commercial publisher TIC has the largest output of Limburgish language books with its *Lillili* series, which relies for publication on sales and financial contributions of its authors. Limburgish language books are often self-published.

Key developments since 2016: unknown

Suggestions for improvements: as part of the plans for a Limburgish Language Union we suggest a focus on funding opportunities of cultural events specifically in Limburgish.

5. Limburgish in (digital) media

Legal framework: the Media Act 2008¹⁸ (*Mediawet*) contains explicit language requirements for Dutch and Frisian, but none for Limburgish. The Dutch government's claim that "... authorities cannot make programming in a minority language like Frisian mandatory, but media organisations are free to do so"¹⁹ is partly spurious. Firstly, according to the hierarchy of legal norms in the Dutch legal order, the Dutch government cannot claim that a hierarchically lower legal norm (i.c. the Media Act) prevails over a hierarchically higher legal norm (i.c. the ECRML). It is beholden to bring the Media Act in line with its international obligations. Secondly, the Media Act's article 2.112(1) contains the provision that on every television channel of the national and regional public media service, the program range consists of at least fifty percent of the duration of originally Dutch or Frisian-language productions. For nonpublic media outlets article 3.24(1) contains the same language requirement for forty percent of productions. The Media Act 2008 therefore allows a broadcaster to provide up to half of its programming in Limburgish.

Policy framework: there is no government media policy to promote Limburgish. At the Dutch government's bidding media policy was excluded from negotiations on the proposed Limburgish Covenant. Since 2016 regional public broadcaster L1 has had an internal policy regarding the use of Limburgish in its programming. The policy does not focus on the pro-active promotion of Limburgish, but reactively incorporates Limburgish into programming depending on target audience, topic and guests' preferred language usage. A policy change extending the use of Limburgish was considered in the light of the Limburgish Covenant, but was stymied because of the exclusion of media policy from the covenant negotiations. The main newspaper *De Limburger* has no official language policy, but editorial custom requires Dutch and excludes Limburgish.

Practices: the Limburgish government itself mainly uses Dutch as a language of communication in different media. According to L1 politicians often refuse to use Limburgish in media interviews. L1 media policy uses the government's example as an argument not to report on politics in Limburgish. Many programs on the regional TV and radio broadcaster L1, mainly focused on Limburgish culture and music, are in or incorporate Limburgish. The main news hour on L1 is traditionally presented in Dutch, but a new current affairs program *Limburg Centraal* has started incorporating some Limburgish. Incidentally the main regional newspaper *De Limburger* and more local newspapers publishers like *Via Limburg* include some Limburgish phraseology in articles or rarely a column in Limburgish on traditionally Limburgish topics. Interviews are frequently conducted in Limburgish, but written out in Dutch for a newspaper article. In social media Limburgish is used in Tweets,

¹⁸ Mediawet 2008, *Stb.* 2008, 583.

¹⁹ MIN-LANG (2019) PR 3, p. 23.

more than e.g. Frisian²⁰, and often on Facebook in Limburg-themed groups and comments, texting through e.g. WhatsApp and other apps and emails when the recipient is also Limburgish-speaking.

Key developments since 2016: the commercial station TV Limburg, with a large part of its programming in Limburgish, went bankrupt in 2016. National government plans in 2017 and the merger of programming and budgetary means of regional public broadcasters into the *Stichting Regionale Publieke Omroep* (RPO) under the Media Act are seen as detrimental to the identity of regional broadcasters²¹ and concerning regarding the use of Limburgish in regional programming. For digital media, in 2017 Microsoft and the Limburgish Academy developed a Limburgish predictive language model for the SwiftKey keyboard app to facilitate writing in Limburgish on mobile devices.

Suggestions for improvements: we suggest the Media Act 2008 be amended to include next to Frisian other regional languages recognized under the ECRML, including Limburgish. We urge the Limburgish government to adopt a code of conduct for the frequent use of spoken and written Limburgish in all media.

6. Limburgish in administration

Legal framework: the Dutch Constitution does not contain any explicit provision regarding 'language', but, as noted under section 2, international provisions on language are part of the Dutch legal order. The General Administrative Law Act 1992 (*Algemene Wet Bestuursrecht*) requires administrative bodies and persons working under their responsibility to use Dutch.²² Another language can be used if its use is more effective and not disproportionately detrimental to the interests of third parties.²³ No statutory or other legal provisions deal explicitly with Limburgish in administration.

Policy framework: unknown

Practices: the possibility for Limburgish speakers to use Limburgish when interfacing with the Limburgish authorities depends solely on the willingness and language skills of the civil servant involved. A response from a civil servant is not unusual in spoken Limburgish and more rarely in Limburgish for informal written communications such as email or texting. Official written responses are in Dutch. The LA has been advised to submit its grant requests only in Dutch.

Key developments since 2016: unknown

Suggestions for improvements: we suggest an initial policy to encourage Limburgish speakers to use spoken or written Limburgish when interfacing with the Limburgish authorities. A basic policy should include the option for a Limburgish speaker to request interfacing with the regional authorities in spoken Limburgish and the encouragement of these authorities to receive written communications in Limburgish. A more substantial policy should include the commitment of regional and local governments to respond to correspondence using Limburgish when it is received in Limburgish and pertains to informal queries. The policy should include information to inform the public of a possibility to request Limburgish be used when interfacing with regional or local government. However, as we have argued under section 2, the unequal treatment of regional languages is in violation of international obligations, including the ECRML, and the Dutch legal order. We assert this situation should be remedied by creating statutory obligations and policies to include Limburgish in administration.

²⁰ Nguyen, D., Trieschnigg, D., & Cornips, L. (2015). Audience and the use of minority languages on Twitter. In *Proceedings of the Ninth International AAAI Conference on Web and Social Media*. Association for the Advancement of Artificial Intelligence (AAAI), pp. 666-669.

²¹ See <<https://11.nl/content/documents/2018/07/jaarverslag-rmr-2017-1.pdf>>.

²² Article 2.6(1) *Algemene Wet Bestuursrecht* as enacted through *Wet van 4 mei 1995, houdende wijziging van de Algemene wet bestuursrecht in verband met opneming van regels betreffende het gebruik van de taal in het bestuurlijk verkeer*, *Stb.* 1995, 302.

²³ Article 2.6(2), *ibid.*

7. Limburgish in courts

Legal framework: the Dutch Constitution does not contain any explicit provision regarding 'language', but, as noted under section 2, international provisions on language are part of the Dutch legal order. There is no general Act of Parliament, but rather several individual Acts that prescribe Dutch for certain procedures or in certain areas as the language in courts. Where there is no explicit statutory provision to use Dutch as the language of government different Dutch courts interpret this absence to assume that the use of Dutch is implied.²⁴ Some Acts include exceptions for Frisian or English. No statutory or other legal provisions deal explicitly with Limburgish in courts.

Policy framework: unknown

Practices: as far as could be ascertained only Dutch is used in court, formally and informally.

Key developments since 2016: unknown

Suggestions for improvements: as we have argued under section 2, the unequal treatment of regional languages is in violation of international obligations, including the ECRML, and the Dutch legal order. We assert this situation should be remedied by creating statutory obligations and policies to include Limburgish in courts.

8. Limburgish in topography

Legal framework: unknown

Policy framework: it is unknown whether there is any policy to increase Limburgish in topography. Local authorities have been requested to voluntarily introduce their Limburgish place name on official signage.

Practices: in 2002 Veldeke Limburg produced a list of place names of Limburgish municipalities with their Dutch and Limburgish place names, most recently updated in 2013.²⁵ Throughout the province local authorities have invested in bi-lingual Dutch and Limburgish signs for their place name, but their number is unknown. Some municipalities have installed bilingual Dutch and Limburgish street names.

Key developments since 2016: unknown

Suggestions for improvements: a policy with financial incentives to also have place name and street name signage in Limburgish.

9. Mergers of municipalities

No information available.

10. Tolerance and mutual understanding between minority and majority populations

No information available.

²⁴ Raad van State, Afd. rechtspraak 20 juni 1990, NJB 1990, 1287; 17 januari 1985, AB 1986, 73 (Spithorst); See also: 15 juli 1982, AB 1983, 84; 3 april 1979, AB 1979, 337. Centrale Raad van Beroep 21 december 1977, AB 1978, 288. Hoge Raad 13 november 1979, NJ 1980, 171; 19 december 1972, NJ 1973, 184; 24 januari 1968, NJ 1968, 225. College van Beroep voor het bedrijfsleven 22 januari 1982, Adm. rechtsgangen 2.2.3.6.

²⁵ https://www.veldeke.net/wp-content/uploads/2018/11/plaatsnamelies_12022013.pdf.

11. Additional question: to what extent is digitization a useful tool to preserve and promote minority languages?

Arguments why digitization is helpful as a tool to preserve and promote majority languages apply equally to minority languages. The absence of digital tools for minority languages impedes their usefulness and usage in digital media and threatens their existence in this increasingly important domain of communication. Additionally, digitization is even more useful and necessary for minority languages than for majority languages for the following reasons:

1) Digitization will help preservation of a minority language

The LA is currently building a Limburgish Corpus, a digital collection of texts in Limburgish. Currently, Limburgish texts are mostly not digitized and are archived in different locations. Many texts are also curated privately and might get lost, because they are not passed on to the next generation. The Limburgish Corpus will assure their preservation. The LA's proposed digital Limburgish Dictionary will preserve the Limburgish vocabulary. Currently, Limburgish words and their usage are contained in many different printed dictionaries for many different dialects, which are often out of print.

2) Digital visibility will add to a further appreciation for a minority language

The LA's proposed Digital Library will make Limburgish texts available online in one single location and display the amount and range of works produced in the language. It will help raise awareness of how much Limburgish is used in writing. This digital evidence of a substantial body of writing will increase the appreciation of the language.

2) Digital availability will further research and enhance the status of a minority language

The LA's proposed Limburgish Research Corpus, a digital collection of Limburgish works enhanced with software to include linguistic labels, will make the language useful for the latest digital research and accessible to researchers worldwide. Academic research will enhance the language's status. It will also allow for more digital tools for Limburgish to be developed. These include spelling checkers, language modules based on digital research of the language and computer-assisted methods to learn Limburgish, applications for automatic speech recognition or speech-to-text conversion, etc.

3) Digital tools will facilitate the ease of use of a minority language

The LA's proposed digital Limburgish Dictionary will allow for an easy and quick online reference. The many different dictionaries for many different dialects, often out of print, are a cumbersome and outdated reference in a digital age. The LA has launched, in cooperation with Microsoft SwiftKey, a Limburgish predictive language model that can be installed, just like other languages, on a mobile phone. Many digital tools are developed for majority languages. In the absence of a (minority) language model on e.g. one's mobile phone, automatic spelling correction will constantly correct every word to another (majority) language that is installed. It frustrates typing in a minority language. Other benefits of a language model, like word completion and prediction of the subsequent word are not also available to minority language users. It considerably slows down typing in the minority language. In the absence of digital tools for a minority language its speakers might rather switch to using a majority language for its ease of use.

4) Digital tools will help improve writing skills and stimulate writing in a minority language

Since Limburgish is not allowed as part of the education curriculum, Limburgers do not learn how to write in their own language at school. Digital tools like the Limburgish predictive language model on SwiftKey and spelling checkers predict the spelling of words. The LA's proposed digital Limburgish Dictionary will allow for a quick digital reference to check spelling. Other digital tools offer help with spelling and grammar. These tools can therefore be an aid in improving writing skills in Limburgish. The assistance these tools provide can also stimulate speakers who are not familiar with writing in their own language to try to do so.