

# THE LEGISLATIVE CONTEXT OF THE FRISIAN LANGUAGE IN THE NETHERLANDS

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## 1. INTRODUCTION

This article describes the development of the legal emancipation of the Frisian language in the Netherlands in the fields of public administration, education and judicial matters. First, a short introduction to the Frisian language is given, and its history is briefly dealt with, followed by a description of the present (socio) linguistic situation in the province of Friesland. Special attention is paid to the Covenant on the Frisian Language and Culture between the Dutch national government and the regional government of the province of Friesland/Fryslân.

## 2. INTRODUCTION TO THE FRISIAN LANGUAGE AND CULTURE

### 2.1. *Language and history*

Frisian is a West Germanic language. In the 5th century the tribe of the Frisians inhabited the whole North Sea coast from the Rhine to the Elbe, and probably exercised some influence on the languages of the other tribes in that area. From the 8th century onwards the Frisian-speaking territory was caught in the pincer movement of its expanding neighbours, that of the Saxons who were moving up into their north and west, and the Franks, who were pushing into the north and east.

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Modern-day Frisian is commonly divided into three main dialectal areas: North, East, and West Frisian. North Frisian is spoken by about 10,000 people on the North Frisian islands and along the shores of the North Sea in Schleswig-Holstein, just below the Danish border in Germany. East Frisian is now spoken only in a small area of Germany known as Saterland, located between the city of Oldenburg and the Dutch frontier. Not to be confused with a type of Low German called *Ostfriesisch*, the real East Frisian language was once extensively spoken throughout the countryside of what is known as Ostfriesland. West Frisian is the language of the Dutch province of Friesland (Hoekstra: 505-506). For the remainder of this article we shall limit ourselves to the language situation in the Dutch province of Friesland.<sup>2</sup>

Throughout the Middle Ages, Friesland was monolingual and autonomous, under the leadership of frequently changing tribal chiefs. Old Frisian was not only the spoken language but, together with Latin, was also the official language of government and the judiciary until 1498. Old Frisian legal documents have survived from the 13th century.

However, at the end of the Middle Ages Friesland lost its independence. It became part of the Republic of the United Provinces and, from 1813 onwards, a province of the Kingdom of the Netherlands, in both of which the province of Holland played the dominant role. Consequently, Dutch (West Low Franconian) became the more prestigious language. In public domains of life, such as administration, Dutch replaced the Frisian language. As for the religious domain, Calvinism spread into the Netherlands and Friesland. Ousting Latin, as it did in all countries, the Reformation introduced the vernacular into church services. In the churches of Friesland, however, the reformation did not lead to the use of the country's own language. In fact, the overall picture was that the Frisian language was transmitted in spoken communication only. As a written language Frisian was hardly used at all for some 300 years. It was not until the 19<sup>th</sup> century that the wave of romanticism revitalised the Frisian language and culture. At the end of the century the literary language was well developed. After 1900, the Frisian Movement sought more protection, and from 1970 onwards, formal equality for Friesland's own language. Frisian regionalism has gained ground since the early days of its revitalisation, but far into the 20th century the Frisian language had been given no legal status at all (Goot: 2).

2. For more information on North Frisian see: *North Frisian: the North Frisian language in education in Germany*. Mercator-Education. Ljouwert/Leeuwarden: Fryske Akademy, 1997.

The 20th century brought gradual improvements for Frisian as the language was used more and more in various areas of public life. Since 1937 Frisian has been permitted as a subject in elementary schools and since 1955 it has also been permitted to use the language as the teaching medium in the lower grades of primary education. Since 1980 it has been a compulsory language in elementary schools, and since 1993 also in the lower grades of secondary education. Since the 1950s it has been permitted for Frisian to be used in courts, and official documents may be drafted in Frisian. In 1938 the Fryske Akademy was founded. Its first project was a Frisian-Dutch dictionary, which now consists of 20 volumes. The first Bible translation dates from the 1940s. The second complete translation into Frisian (1978) was the first fully ecumenical translation in the world.

After the Second World War a new era started. Frisians have frequently requested judicial status and consequent rights for their language. The Frisian language has been present in schools, broadcasting, public administration and courts of the province of Friesland. True enough, progress has been made, but the absence of a general legal provision to protect the Frisian language is still an important factor to bear in mind. With some good reason, it might be argued that in 1970 official status was given to the Frisian language by central government. Some people feel that Frisian was acknowledged as the official language of the province of Friesland. But it should be remembered that in 1970 central government only admitted the co-existence of the two languages of Friesland and was furthermore willing to accept Frisian as the second national language (Goot: 2).

At the same period, however, Dutch was also invading the traditional Frisian domains (rural community matters and the family), primarily as a result of migration and mixed marriages. The language situation in Friesland changed in this way from a stable diglossia (Frisian for the countryside and informal domains, Dutch for the town and formal domains) into a sort of informal (and receptive) polylingualism.

## 2.2. *Present situation*

The results of a survey held in 1980 show that just over half of the population of Friesland, 54%, has Frisian as its mother tongue. The same survey showed that roughly over 95% of the population can understand Frisian, 75% can speak it, 66% can read it and no more than 10% can write the language. These results were confirmed by a survey in 1994 and are a reflection of the present language situation. Frisian has rather a strong

position as a spoken language, a daily means of communication, but its position as a written language is rather weak (Gorter: 23).

The geographical distribution of Frisian and Dutch over the province varies considerably. Until a few decades ago it was rather easy to describe the geographical distribution of Frisian and Dutch speakers in the province. The picture could be summarised as follows: The provincial capital of Leeuwarden and some larger towns speak a Frisian-Dutch mixture, the urban dialect (“*stedsfrysk*”). The traditional language border between Frisian and Saxon dialects runs along the southeastern border of the province. Until the 1950s, the rest of the province, that is the Frisian countryside, was over 95% Frisian-speaking. During the last three to four decades this picture has changed dramatically (Gorter: 24).

The most important tendency in language relationships is the ongoing penetration of Dutch into Frisian society. This is caused to a large extent by migration. The negative trend due to migration is amplified by the decline in transmission of Frisian between generations, as some parents no longer choose to educate their children in Frisian, and especially in mixed marriages they mostly opt for Dutch (Gorter: 24).

The 1994 survey also revealed that 76% of the inhabitants of Friesland considered themselves to be Frisians. The following reasons were given as being the most important reason for identifying oneself as *Frisian*: being born in Friesland (43.1%) to consider oneself as Frisian (26.8%), speaking Frisian (15.6%) and having Frisian-speaking parents (9.5%). Of those interviewed, 50% considered their Frisian identity as most important while 31% chose Dutch; 18% gave a qualified answer.

On the question as to what linguistic group they considered themselves to be a part of, 36.8 chose Frisian, 35.8, Dutch and 27.4% both Frisian and Dutch. Of the respondents, 61.1% said that they were willing to contribute to maintaining the Frisian language, while 38.9% would not.

### 3. LEGISLATION

#### 3.1. *General overview*

Central government policy on the Frisian language started with the ‘Van Ommen committee’ (1970), which produced a report recognising the responsibility of the national government with regard to Frisian. An important principle formulated by the committee was the recognition of Friesland as a bilingual province. The use of the Frisian language in certain

domains is clearly restricted to the province of Friesland. The committee stated that central government should focus on safeguarding the identity of the Frisian language and culture in collaboration with the provincial and municipal authorities. According to the report, this means that the national government has the function of resolving specific problems caused by bilingualism in the Frisian culture. Unfortunately, the results of the language policy after 30 years are rather disappointing. Things tend to change only after pressure from the regional authorities and the population (Schaaf: 3-4). However, the most important result of this period has proved to be the introduction of Frisian as an obligatory subject in primary school as from 1980.

Current language policy regarding the Frisian language is based on the Frisian Language and Culture Covenant, an agreement between the provincial authorities and the Dutch central government. This was drawn up in 1989, renewed in 1993, and redrafted in 2001 on the basis of the European Charter for Regional or Minority Languages (*BFTC Bestuurspraak Friese Taal en Cultuur 2001-2010*, Staatscourant 125, 3 July 2001). This Council of Europe document was signed in 1992 and ratified by the Dutch government in 1996 with respect to Frisian. It contains 48 concrete measures (part III), while other regional languages in The Netherlands obtained merely symbolic recognition from the national government (part II) (Schaaf: 4).

On several occasions Friesland and its government have insisted on the necessity for a general language law, but to date this has not resulted in any success.

### 3.2. *Public Administration*

Before the Second World War, sessions of the provincial assembly were conducted wholly in Dutch. In council meetings the situation was similar. Frisian-speaking members could expect to be called to order, the Dutch-speaking order, of course. In 1945, on the initiative of the assembly's president — an official appointed by central government — members were allowed to speak Frisian during the meetings. This breakthrough proved to be the first step in the process of normalisation of Frisian in public administration. In 1953 central government declared that all official documents should be written in Dutch, but that they may be accompanied by a Frisian translation. In practice, however, the province and various local authorities decided to pursue their own language policy. They had their

documents normally published in either Frisian or in Dutch. By way of exception, official texts were published in both Dutch and Frisian versions (Goot: 5).

In 1955 the provincial assembly decided that minutes of the meetings of the provincial assembly were to be taken in Frisian as far as Frisian had been spoken.

In 1983 a specific ad hoc committee, created by provincial government, published its final report, which contained important proposals for legislation based on the principals of equal validity and equal rights for Frisian and Dutch. Two years later the provincial assembly not only fully agreed with the principles set out by this committee, but also adopted a text for a by-law on the use of Frisian in provincial government and administration. This was the first formal step towards the co-official status of the two languages (Goot: 5). Around the same time the first steps were taken towards making the Frisian name the official name of the province: Fryslân.

A central government committee, set up in 1981 and consisting of members drawn from both the provincial and the national administration, examined the same issue. Its report, published at the end of 1985, proved to be a major setback in the normalisation process. The committee was completely divided internally. Tension increased even more when the Administrative Court fundamentally criticised the use of Frisian in public administration. The court judged that provincial and local authorities were not allowed to have their administration done in Frisian only, not even on a modest scale, until the use of the language had been given legal status by an Act of Parliament. In this verdict the Court did not refer to the practice that in local government Frisian had already been in use for a couple of decades and that, as such, Frisian really had the function of a regional language. The 1989 Covenant between central and provincial government on Frisian language and culture, which was published in the Official Government's Gazette, failed to make the Court change its mind (Goot: 5). This setback eventually led to the inclusion of a number of provisions on language use in the Administrative law,<sup>3</sup> which consolidated the practice of oral and written communication in Frisian by decentralised administrative bodies in Fryslân.

The rights set out in these provisions can be divided into four sub-themes:

3. Articles 2:6 - 2:12 Algemene wet bestuursrecht (abbreviated to Awb)

- a) oral and written communication from a citizen to the administrative bodies (art. 2:7);
- b) oral communication from an administrative body to a citizen (art. 2.8);
- c) written communication from an administrative body to a citizen (art. 2.9/ 2:11);
- d) The use of the Frisian language in representative bodies (art. 2:12).

However, normalisation of the use of the Frisian language in public administration is not yet complete: Dutch remains the first language of the administrative authorities in Friesland with, as a supplementary arrangement, a direct or indirect competence to use the Frisian language. The general rule is that administrative bodies communicate in Dutch, unless a legal provision ordains differently. Governmental bodies in Fryslân may use the Frisian language in oral communication, unless this leads to unsatisfactory communication. If governmental bodies in Friesland wish to use the Frisian language in written documents they first have to pass a by-law on the use of the Frisian language in written communication. By-laws and policy regulations and their preparatory documents must always be drafted in Dutch. Interested parties can always demand a Dutch translation of a document in Frisian; the other way around is not possible.

It belongs to the competence of the local authorities to determine place names and street names. Historically both Frisian and Dutch are used in street names. In the larger towns street names are mostly in Dutch or are bilingual, whereas in the countryside they are mostly in Frisian. Although most local authorities use bilingual place-names at the municipality limits, until 1985 the official place names were always the Dutch names. Currently 3 out of 31 local authorities have changed the official place names to the Frisian name. The importance of the official name is that only official names appear on signposts and maps. Since 1995 provinces may determine their own names. In 1997 the provincial assembly of Friesland changed the official name of Friesland to Fryslân. At present the province is working on changing the official name of waterways to their Frisian names. Although the law is inconclusive about whether the competence for names of waterways belongs to the provincial or to the local authorities, it would appear that the province can take the initiative in its capacity as the first responsible authority.

### 3.3. Education

The role of Frisian in primary education dates back to 1907 when the provincial government offered a grant to support Frisian lessons after regular school hours. Legislative provisions for Frisian only came about in 1937 with alterations to the Education Act of 1920. Although Frisian was not specifically mentioned, this did make it possible to teach Frisian as a regional language in higher grades during Dutch lessons. However, nothing was arranged for the use of Frisian as a medium of instruction. In 1950 nine primary schools began to experiment with bilingual education. Finally, but not until 1955, efforts to encourage the use of Frisian in primary schools brought about a legal framework. Frisian became an optional subject throughout primary school and was accepted as a language of instruction in the junior classes of primary schools, but only 20% of all schools used it in this way. A further legislative improvement with regard to Frisian was made in 1974 when the Primary Education Act was modified yet again. Frisian became an approved teaching medium in all grades and an obligatory school subject throughout primary education as from 1980. In 1985, the Primary Education Act was replaced by a completely new Act for Primary Education in the Netherlands for the creation of new primary schools (i.e. for children from 4-12 years of age). In 1998, the Education Act was changed again (Schaaf 5-6).

The current Primary Education Act (*Wet op het Primair Onderwijs - WPO*, 1998) lists a number of subjects that all primary schools have to teach, albeit without prescribing the number of teaching hours or how and what schools should teach. In 1993, the Minister of Education defined attainment targets (*kerndoelen*) for these subjects. The targets were modified to some extent in 1998. Fully identical goals have been developed for both the Dutch and the Frisian language, indicating the skills that have to be attained in Dutch and Frisian by the end of primary education (Schaaf 14).

With the introduction of basic education in 1993 (*Wet op het Voortgezet Onderwijs - WVO*), Frisian has become an obligatory subject in the lower grades of secondary education (article 11). Frisian is an optional exam subject in the higher grades of pre-university and general secondary education (Schaaf 17).

Despite the progress made in legislation and the ratification of the Charter for Regional or Minority Languages<sup>4</sup> the position of Frisian in schools again came under threat at the beginning of 2002. The National

4. Cf. § 5.1.



Education Council advised the Dutch government to draw a distinction in the statement of intent of schools between an obligatory and a differential part of the curriculum. The government decides on the composition and the desired level of the obligatory part, which covers 70% of teaching time. The schools themselves can decide what they want to do with the differential part. Despite the legal obligations to teach Frisian as a subject, it will probably be moved from the obligatory part to the differential part of the curriculum (Riemersma 2002: 28).

Teacher training for the primary level is provided by two colleges, one for public schools and one for the private (denominational) schools, which are subsidised by public financial funds on an equal basis. Teacher training for secondary level is provided by the Faculty of Education of the Noordelijke Hogeschool Leeuwarden on a part-time basis, both for a Grade Two certificate (lower classes of secondary education) and for a Grade One certificate; another possibility of obtaining a Grade One certificate is offered by Groningen University: students finishing a university course in the main subject of their choice with a Masters degree can subsequently follow a one-year postgraduate course in teacher training.

As Frisian is a compulsory subject in Frisian primary schools, Frisian as a subject is also incorporated into the primary level teacher-training programme. Students do three or four modules to obtain the certificate required to teach Frisian in primary schools. Most students at either college obtain the required certificate, but this does not always imply a satisfactory command of the Frisian language. Research has shown that 96% of primary teachers understand Frisian, 84% speak Frisian, 83% read the language and 56% claim to be able to write in Frisian. However, the inspectorate's survey (2001) revealed that 38% of teachers at primary level were not (officially) qualified to teach Frisian (Schaaf).

The part-time teacher-training course for the Grade Two certificate lasts four years (168 credit points); the curriculum targets reaching language command of Frisian at near-native level and contains educational psychology, didactics and practical training in secondary schools. The number of students varies between 10 and 20. Not all of them intend to become a teacher of Frisian. Since Frisian as a subject has a marginal position within the schools, it can be very hard to meet the demand for Frisian teachers with an adequate supply of qualified teachers. The best solution to this problem is the strengthening of the position of Frisian during all school years of secondary schooling.

### 3.4. *Judicial matters*

The use of Frisian in the courts of Friesland has been provided for by law since 1956. It has to be noted that the Frisian Courts Act also includes sections on the language of the oath and of notarial acts. In Parliament and in the Provincial Assembly, the Court Act has been brought up on several occasions. In 1971 the National Parliament discussed at length the use of Frisian in the Courts. On that occasion the Minister of Justice promised that candidates for the judiciary in Friesland would be encouraged to become acquainted with the Frisian language. In 1985 the Provincial Assembly took the view that the Courts Act is quite unsatisfactory and called for new legislation on the basis of equality of the two languages (Goot: 5). This eventually led to an amendment of the Frisian Court Act in 1995.

Whereas the law of 1956 only allowed the oral use of the Frisian language in court, the amendment of 1995 made the written use of Frisian possible in the records with the exception of the writ of summons and the indictment. These are excluded because the specifications of criminal acts in the criminal code are in Dutch.

Although neither active nor passive knowledge of Frisian is demanded of judges and public attorneys, they are encouraged to learn the language. As a consequence, most judges understand Frisian but do not always speak it. This leads to a situation in which people who choose to speak Frisian in court are very often confronted by asymmetric language relationships.

Apart from the legal aspect, psychology plays an important role in the use of Frisian in court: many people choose to speak Dutch because they are afraid that speaking Frisian might harm their case. For this reason there are signs at the entrance to the courtroom explicitly inviting people to speak Frisian. The amendment of 1995 also provides for the use of interpreters in case a judge does not understand Frisian. This, however, should be considered as a last resort. The possibilities for a more informal solution should first be investigated.

Furthermore, the use of Frisian was made possible in forms and certificates issued by the Registry of Births, Deaths and Marriages and provision was made for the use of interpreters. The latter, however, is considered a last resort. The possibilities for a more informal solution first need to be investigated (Jellema, 1996).

As of 1st February 2002, an amendment to the Civil code came into force making it possible to draw up and implement charters of foundations and associations in the Frisian language. The amendment also provides for

having the charters entered in the registry of the Chamber of Commerce without a Dutch translation. The right to draw up charters and have them implemented in Frisian is important because it makes the language more visible and the official use of the language has a positive effect on the oral use of Frisian at meetings and in written communications. It has to be noted that the rights that this amendment has created existed even before 1976. The process of recreating these rights started with the first covenant<sup>5</sup> between the Dutch central government and the province of Friesland (Riemersma 2002: 6).

#### 4. EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

##### 4.1. *Dutch ratification of the charter*

In 1992 The Council of Europe accepted the European Charter for Regional or Minority Language. Member states of the Council of Europe can join the Charter on a voluntary basis. The Netherlands did so in 1996 and the Charter became effective as of 1st March 1998.

The Charter draws a distinction between languages recognised in part II and those that also fall under the provisions of part III. Part II of the Charter contains general objectives and principles for the protection and promotion of the languages. Part III of the Charter contains provisions for a more detailed form of protection by means of concrete and precisely defined enactments. All regional and lesser-used languages fall under the protection of part II. In the Netherlands those languages are Frisian, Low-Saxon, Roma, Yiddish and Limburgian.

The ratification of the Charter by the Netherlands includes a selection of 48 undertakings with regard to Frisian in part III. These enactments only apply to the province of Friesland and do not therefore apply to Frisian speakers resident outside the province.

Although by ratifying the Charter the Dutch State only chose provisions in part III which were consistent with existing legislation and policy, the importance of the Charter for Regional or Minority Languages lies in international supervision, the comparison between the policy of national governments and a possible encouragement for policy on national, provincial and local authority level. The periodic checks oblige the Netherlands to give an account, in an international context, of the policy

5. See § 5.2.

pursued. The Charter is especially important as a psychological and legal framework document for minority languages in Europe (Riemersma 1996: 43).

#### 4.2. *Covenant*

On June 5th 2001 the Dutch central government and the regional government of the province of Friesland signed a Covenant on the Frisian Language and Culture. This Covenant expresses the common interests and shared responsibilities of the central and regional authorities in the protection, preservation and promotion of the Frisian language and culture.

This Covenant is the reiteration of the one previously signed in 1989 and renewed in 1993. The main difference between the older Covenants and the new one is its structure and the ambitions and goals set.

The new Covenant is structured along the lines covered in part III of the Council of Europe's European Charter for Regional or Minority Languages. In total, more than 100 goals are formulated in this Covenant for the contract period of ten years.

Ambitions are set either for a mid-term period of three years (2002-2004) or for a longer period of ten years (2001-2010). Ambitions for the shorter term are intended to make the 48 signed undertakings in part III of the Charter more concrete. These ambitions are more specifically formulated and relate to more concrete aspects such as developments in the classroom, pre-school education or broadcasting (radio and television), whereas the ambitions for the longer term relate to more abstract issues and goals which need more prior study and research.

Another difference is seen in the infrastructure and institutionalising of language planning policy: whereas the Covenant of 1993 confirmed the status quo of the existing infrastructure (such as a professional theatre group, scientific library and the Frisian literary museum), the new Covenant is directed towards a further institutionalisation of the Frisian language in other fields such as the general provisions for pre-school education and play groups, health care and language planning for local authorities. Further development of legislation in the field of education (primary, secondary and teacher training) is also provided for in the new Covenant.

The new Covenant starts with a preamble which refers explicitly to the European Charter for Regional or Minority Languages as the leading instrument for the further development of language planning on the national level. In chapter 1 the Dutch government declares that in the future all

new policy documents will be checked for consequences regarding the Frisian language and culture (par. 1.1). In relation to art. 7.1b of the Charter the government recognises the province of Friesland as being the policy unit for further legislative developments (par. 1.2).

In the chapter on Education, the national and provincial governments state their intention to improve the situation in pre-school education with measures (par. 2.1.1) and a subsidy of more than \_100,000 for the development of teaching materials.

For Secondary Education especially, the formalisation of attainment targets in the lower grades of secondary education is provided for (par. 2.5.1), while pupils will be encouraged to opt for Frisian as an examination subject in higher classes (par. 2.5.8).

In Higher Education, a quality impulse is provided for as far as teacher training colleges (both for primary schools and for secondary education) are concerned (par. 2.8.1), and contacts between universities in Europe that provide studies in minority languages will be strengthened (par. 2.8.2).

In the field of the judiciary, the most wide-ranging paragraph deals with the intention to change the phrase “the Dutch language” into “the Dutch language and the Frisian language” in every law (par. 3.5).

In the chapter on Public Authorities, the various paragraphs stress the co-responsibility of local authorities and their implementation of language policy. In the short term, at least ten (out of 31) local authorities intend to formalise their own language policy (par. 4.1).

In the chapter on Media, the most important improvement is the aim of providing a full and varied programme structure for the public regional radio and television broadcasting company of Friesland (par. 5.1). Furthermore, broadcasting facilities for school radio and school television will be extended by an increase of several hours per year (par. 5.6).

In the chapter on Culture, the new element is the provision that Frisian-language films can be subsidised with money from the National Film Fund (par. 6.6.5).

In the chapter on Economic and Social life, the most wide-ranging *which deals* paragraph is that *dealing* with the intention to eliminate any limitations to the use of the Frisian language in economic and social life (par. 7.1). The intention is also expressed to provide for product information and names on labelling in the Frisian language (par. 7.2). As an aspect of further institutionalisation of the Frisian language in the Covenant, the intention is expressed to ensure that institutions in the welfare and health sector should pay attention to their current language policy and should report on the policy on an annual basis (par. 7.5).

For the evaluation of the actual Covenant, one has to bear in mind that there is no overall Frisian Language Act in the Netherlands and that during the 20th century the development of legislation governing the use of Frisian, covering domains such as public authorities, the judiciary, education, media and cultural funds and financial and other, has been in stages.

The Dutch government, on the occasion of the ratification of the Charter, expressed its intention to stress the status quo and not to consider its ratification of the Charter as a declaration of intent towards the further development of language-planning policy. However, the dynamics of the Charter itself, embodied in the instruments of ratification and implementation such as the committee of experts (art. 16) and the periodic (three-yearly) reports by the national governments, (art. 15) also essentially requires a dynamic approach on the national level. Indeed, this Covenant is the implementation of the Charter on the national level and it is clearly directed towards the further development of the language-planning process. The Covenant includes some control mechanisms and monitoring instruments. First of all, there is a joint committee of the central and provincial government for the development of concrete projects and the fulfilment of the main objectives of the Covenant. Secondly, there is the annual report for both the national Parliament and the provincial Assembly.

## 5. OTHER

This chapter deals with a few subjects for which no specific legislation has been passed but which have nevertheless been incorporated into other legislation.

### 2.1. *Media*

The Media Act makes it possible to allocate broadcasting time to a local or regional broadcast organisation. At present, this broadcasting time has been allocated to Omrop Fryslân. This allocation represents 5,876 hours of radio, 14 hrs of school radio and 528 hours of television annually.

## 5.2. Culture

Frisian is used a medium of expression in many cultural activities. As far as literature is concerned, about 100 new titles appear each year. Frisian writers may apply for funds from the Dutch subsidising funds for literature: *Het Fonds voor de Letteren* and *Het Nederlands Literair Productie- en Vertalingenfonds*. Every year a promotion campaign called 'de sutelaksje' is organised to promote Frisian literature. During the campaign book markets are organised in many towns and villages. However the main characteristic of the campaign is that volunteers go from door to door selling the books. Friesland also has its own professional theatre group, called Tryater, which performs in Frisian. For its funding, Tryater relies on the standards applicable to professional theatre. However, as far as geographical spread of performances is concerned (a condition for obtaining a subsidy), it is sufficient that the performances be given within the province of Friesland. In 1999, 404 performances were given, of which 121 were outside Friesland. Four performances were given abroad: 3 in Belgium and one in London. Since the 1980s a number of films have been made in Frisian. Such films are eligible for subsidy from the *Nederlands Fonds voor de Film*. The latest development in this field is a soap opera in Frisian, broadcast on Frisian television.

## 6. CONCLUSION

In the course of the 20th century the legal base for the use of the Frisian language in the public domains of Frisian society has gradually increased. However, the resulting legal protection is incidental and lacks any internal coherence. Despite the progress made, it cannot be said that the Dutch state has been very generous: the conditions under which the rights have been conceded often stand in the way of their implementation. By way of example: the provisions on the use of Frisian in the Administrative Act. On the one hand, the use of Frisian in written communications from government bodies in Friesland is made possible while on the other the full implementation of this provision is hindered by the condition that each individual government body wishing to use Frisian in written communication has to pass a bye-law on the subject. Despite the fact that the preamble to the Administrative Act mentions the principles of equal treatment and equivalence as a motive for the inclusion of the provisions on the use of the Frisian language, legal equality has not yet been achieved, as can be seen in

the fact that the same Act ordains that interested parties can always demand a Dutch translation of a Frisian document while the other way around is not possible.

The major setback to the use of Frisian in public administration came in 1985 when the court judged that local authorities were not allowed to carry on their administration in Frisian only, thus ignoring a practice which had already been in use for decades. This underlines the importance of creating a legal framework for the use of Frisian in public domains. That a letter of intent such as the Covenant does not suffice results from the fact that the Covenant of 1989 failed to change the court's judgement on these matters. The reappearance after 26 years of the right to draw up charters of foundations and associations together with recent threats to the position of Frisian at school are strong signals that the scattering of current legal protection of the use of Frisian over several Acts makes the language very vulnerable. It evokes the image of a house without a foundation and whose walls have to be constantly propped up.

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EL CONTEXT LEGISLATIU  
DE LA LLENGUA FRISONA  
ALS PAÏSOS BAIXOS

Durk Mindert Benedictus KROL

El frisó actual és una llengua germànica del grup occidental dividida en tres àrees dialectals principals: el frisó del nord, l'oriental i l'occidental. El frisó del nord i l'oriental es parlen a Alemanya. El frisó occidental és la llengua pròpia de la província de Frísia, als Països Baixos. Aquest article estudia la posició legal i sociolingüística de la llengua frisona als Països Baixos, i en especial a la província de Frísia.

Fins al 1498 el frisó era, juntament amb el llatí, la llengua oficial del Govern i de l'Administració de justícia. A partir del final de l'edat mitjana, el neerlandès s'anà convertint en la llengua més prestigiosa, i en els àmbits de la vida pública substituï el frisó. No va ser fins al segle xx quan el frisó començà a recuperar la seva posició en la vida pública. Alhora, però, el neerlandès envaïa àmbits tradicionals del frisó, com a conseqüència de les migracions i dels matrimonis mixtos. Una enquesta de 1994 mostra que, tot i que només un 54 % de la població de Frísia considera el frisó com la seva llengua materna, el 75 % sap parlar-lo.

El primer pas en el procés de normalització del frisó a l'Administració pública es produí el 1945, quan se'n permeté l'ús en les sessions del parlament provincial. Des del 1995 s'han adaptat una sèrie de disposicions sobre el seu ús a l'Administració de justícia. L'ús del frisó als tribunals de la regió de

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El frisón actual es una lengua germánica del grupo occidental dividida en tres áreas dialectales principales: el frisón del norte, el oriental y el occidental. El frisón del norte y el oriental se hablan en Alemania. El frisón occidental es la lengua propia de la provincia de Frisia, en los Países Bajos. Este artículo estudia la posición legal y sociolingüística de la lengua frisona en los Países Bajos, y en especial en la provincia de Frisia.

Hasta 1498 el frisón era, junto con el latín, la lengua oficial del Gobierno y de la Administración de justicia. A partir de finales de la Edad Media, el neerlandés se fue convirtiendo en la lengua más prestigiosa, y en los ámbitos de la vida pública sustituyó al frisón. No fue hasta el siglo xx cuando el frisón empezó a recuperar su posición en la vida pública. Al mismo tiempo, sin embargo, el neerlandés invadía ámbitos tradicionales del frisón, como consecuencia de las migraciones y de los matrimonios mixtos. Una encuesta de 1994 muestra que, a pesar de que únicamente un 54 % de la población de Frisia considera el frisón como su lengua materna, el 75 % sabe hablarlo.

El primer paso en el proceso de normalización del frisón en la Administración pública se produjo en 1945, cuando se permitió su uso en las sesiones del parlamento provincial. Desde 1995 se han adaptado una serie de disposicio-

Frísia fou aprovat per llei el 1956. Tanmateix, poques persones gosen fer-lo servir per por de veure's perjudicats per aquest fet en els judicis. La presència del frisó a l'educació es remunta a l'any 1907, quan el govern provincial posà a disposició de l'alumnat beques per fomentar-ne l'ensenyament fora de l'horari escolar. El 1955 s'aprovà un marc legal per a l'ús (opcional) del frisó a l'escola primària. Des del 1980 és una assignatura obligatòria a l'escola primària i el 1993 passà a ser-ho també als nivells inicials de l'ensenyament secundari.

La política lingüística actual es regeix pel Pacte de la llengua i cultura frisonas, un acord entre els governs provincial i central. Aquest Pacte es reformulà el 2001 per adaptar-lo als principis de la Carta europea de les llengües minoritàries.

nes sobre su uso en la Administración de justicia. El uso del frisón en los tribunales de la región de Frisia fue aprobado por ley en 1956. No obstante, sólo algunas personas se atreven a usarlo por miedo a verse perjudicados por ello en los juicios. La presencia del frisón en la educación se remonta al año 1907, cuando el gobierno provincial puso a disposición del alumnado becas para fomentar su enseñanza fuera del horario escolar. En 1955 se aprobó un marco legal para el uso (opcional) del frisón en la escuela primaria. Desde 1980 es una asignatura obligatoria en la escuela primaria y en 1993 pasó a serlo también en los niveles iniciales de la enseñanza secundaria.

La política lingüística actual se rige por el Pacto de la lengua y cultura frisonas, un acuerdo entre los gobiernos provincial y central. Este Pacto se reformuló en 2001 para adaptarlo a los principios de la Carta europea de las lenguas minoritarias.