

Language Problems in the European Union: Accommodations for Twenty-Five Countries and Twenty Official languages

Christie Bodnar Swiss*

A. Introduction

The European Union (hereinafter EU) has been an instrumental institution that has kept peace between its members since its inception after World War II.¹ It has grown from six countries in 1951 to twenty-five countries in 2004, bringing together different peoples, cultures, and languages.² One of the greatest challenges has been to allow each Member State to officially communicate in its mother tongue.³ In May 2004, the EU experienced its most significant enlargement, jumping from fifteen countries and eleven official languages to twenty-five countries and twenty official languages.⁴ Theoretically, it is crucial for the validity of the EU to allow each country's language the same respect and authenticity as the others.⁵ Logistically, the time, cost, and efforts to accommodate so many languages have become serious problems for the efficiency of operation of the EU.⁶

* B.B.A. University of Notre Dame, 2002; M.A. Bryn Mawr College, 2003; J.D. candidate Indiana University School of Law, Indianapolis, 2006.

¹ P. Raworth, Introduction to the Legal System of the European Union 1 (2001).

² See generally, Final Act to the Treaty of Accession to the European Union 2003, 23 Sept. 2003, OJ 2003 L 236, http://www.europa.eu.int/eurlex/en/treaties/dat/L_2003236EN/L2003236EN.095700.html [hereinafter Treaty of Accession 2003]. "Today is a great moment for Europe. We have today concluded accession negotiations between the European Union and Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia. 75 million people will be welcomed as new citizens of the European Union." *Id.*, at Art. II, § 1.

³ H. Mahony, *EU to Wrestle with 20 Official Languages*, EUObserver.com, 28 April 2004, at <http://euobserver.com/?aid=15369.html> [hereinafter *EU to Wrestle*].

⁴ Act Concerning the Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is Founded, 23 Sept. 2003, OJ 2003 L 236, <http://europa.eu.int/eur-lex/lex/en/treaties/dat/12003T/htm/L2003236EN.003301.htm>.

⁵ See *EU to Wrestle*, *supra* note 3 (Davyth Hicks, editor of *EuroLang*, an office on minority languages in the EU, stated that "it is unfair to use economic reasons for not granting people the right to speak their own language."); see also P.J.G. Kapteyn & P. Verloren Van Themaat, (L.W. Gormley (Ed.)), Introduction to the Law of the European Communities 107 (1998) (stating that it is "important to safeguard the use of a person's own language in the European Parliament and, in so far as litigants are concerned, before the Court.")

⁶ *EU to Wrestle*, *supra* note 3.

This Article will explore the several enlargements of the EU and the efforts made to accommodate the new languages brought along by the new Member States. First, this Article will briefly explain the history and background of the EU, which is necessary to understand the enlargement process and the importance of each language in the EU. Second, there will be a discussion of the procedures in the EU that attempt to accommodate all the working languages. Third, this Article will examine the realities of the problems that are occurring as a result of working in so many official languages. To an extent, they may actually be jeopardizing the efficiency of the EU's operation. Fourth, there will be a discussion of the current active efforts being made by the EU to accommodate the many languages more efficiently. Fifth, this Article will examine solutions utilized by other multi-lingual institutions and countries and attempt to determine if they can be applied to the linguistic problem in the EU. Finally, this Article will speculate about the future of the EU if it continues to try to accommodate more languages into its operation and suggest that it is imperative that a solution be found before the EU's next enlargement. Continuing to allow the number of official languages in the EU to grow will be difficult, costly, inefficient, and detrimental to all countries that conduct business with the EU.

B. History of Enlargement in the EU

European history is fraught with conflict.⁷ During the middle of the twentieth century, the devastation of World War II led to the idea that European integration was necessary.⁸ The idea was that if the European countries could integrate and come to some agreement; then animosity, invasion, and wars could be minimized or even eliminated.⁹ In particular, on September 19, 1946, British Prime Minister Winston Churchill stated that there must be reconciliation between France and Germany.¹⁰ After World War II, French leaders Jean Monnet and Robert Schumann proposed the idea that Western European countries could place their coal and steel industries under joint supranational control.¹¹ On April 18, 1951, the Treaty of Paris was signed by France,

⁷ See generally Michael Howard, *War in European History* (1976).

⁸ Raworth, *supra* note 1, at 1.

⁹ *Id.*, at 2.

¹⁰ *Id.*, at 1. During the Franco-Prussian War, World War I, and World War II, Germany invaded France. R. Price, *A Concise History of France* 189, 210, 247 (1993). Thus, there has been a history of animosity between these two countries. See *id.* A truce or agreement between France and Germany could only lessen the conflicts between these peoples. Raworth, *supra* note 1, at 2.

¹¹ *Id.* Jean Monnet was a friend of British Prime Minister Winston Churchill. *Id.* He created the proposal for the union between the United Kingdom and France in 1940 as the French were being defeated by Germany. *Id.* Robert Schumann was the French foreign minister. *Id.*; see also D. Lasok & J.W. Bridge, *Law & Institutions of the European Communities* 4 (1987): "[I]f the basic raw materials for war (coal and steel) are removed from national control, wars between traditional enemies, France and Germany, will become virtually impossible as long as both are prevented from developing a substantial war industry." *Id.*

Germany, Italy, Belgium, the Netherlands, and Luxembourg.¹² The Treaty inaugurated the European Coal and Steel Community (“ECSC”).¹³ The ECSC was only authentic in the French language.¹⁴ On July 25, 1952, the new Community entered into operations with Jean Monnet as its first president.¹⁵ This was the first significant step in European Integration.¹⁶

The new Community continued to develop.¹⁷ In 1958, two Treaties of Rome were enacted that created the European Economic Community (“EEC”) and the European Community of Atomic Energy (“Euratom”).¹⁸ The Treaties of Rome were written in German, Italian, French, and Dutch, and each language was considered equally authentic.¹⁹ Throughout these inaugural years, even though there were four official languages after the Treaties of Rome, French leadership of the new Community was important.²⁰ It was finally a chance for France to have authority after its destruction during World War II.²¹ Three of the first six countries in the new European Community, France, Belgium, and Luxembourg, were French-speaking.²² The major institutions for the Community were headquartered in Brussels, Belgium, Strasbourg, France, and Luxembourg City, Luxembourg, all French-speaking cities.²³ Furthermore, the United Kingdom chose not to join in the new Community.²⁴ Later, in the 1960s, when the United Kingdom expressed interest in joining the European Community, the French President Charles de Gaulle expressed strong resentment toward the accession.²⁵ He vetoed British accession into the European Community twice.²⁶

The replacement of de Gaulle by the new French President, Georges Pompidou, allowed the veto on British accession to be lifted,²⁷ and on January

¹² See generally Lasok, *supra* note 11, at 12-14.

¹³ See Treaty Establishing the European Coal and Steel Community, 261 UNTS 140, 18 April 1951.

¹⁴ Lasok, *supra* note 11, at 84. The treaty was only authentic in its original language of creation, French. *Id.* French was the language of the majority in the new Community. *Id.* Furthermore, France wanted to show its power after World War II. *Id.*

¹⁵ Raworth, *supra* note 1, at 2.

¹⁶ *Id.*

¹⁷ Lasok, *supra* note 11, at 16.

¹⁸ *Id.*

¹⁹ *Id.*, at 84; see also Council Regulation 1 on Determining the Languages to be Used by the European Economic Communities, OJ 1958 B 017.

²⁰ Raworth, *supra* note 1, at 2-4.

²¹ *Id.*; see also Price, *supra* note 10, at 326-27.

²² See generally European Union Member States, at <http://www.jus.uio.no/lm/eu/doc.html> (n.d.) (last visited 8 March 2005).

²³ See generally Europa: Gateway to the European Union, at http://www.europa.eu.int/index_en.htm (n.d.) (last visited 8 March 2005) [hereinafter Europa].

²⁴ Lasok, *supra* note 11, at 19. The United Kingdom chose not to participate in the new European Community for three reasons. First, it considered itself victorious after World War II despite its suffering economically because it had not suffered defeat or enemy occupation. Second, it had a considerable colonial empire. Third, it had a special relationship with the United States.

²⁵ Raworth, *supra* note 1, at 4; see also Price, *supra* note 10, at 326-27.

²⁶ Raworth, *supra* note 1, at 4.

²⁷ *Id.*, at 5.

1, 1973, the United Kingdom, Denmark, and Ireland entered the Community.²⁸ The main working language of the Community was still French, but with the accession of the United Kingdom and Ireland, English became an official language and a very popular one.²⁹ Furthermore, Danish became an official language.³⁰ Irish earned semi-official status where many documents were translated into Irish, but it was still not an official language.³¹

On January 1, 1981, Greece became the tenth Member State of the European Community.³² This added Greek to the list of official authentic languages.³³ On January 1, 1986, Portugal and Spain joined the Community.³⁴ Spanish and Portuguese became official languages.³⁵ On January 1, 1995, Austria, Finland, and Sweden officially joined the EU.³⁶ Finnish and Swedish became official languages.³⁷

Between January 1, 1995, and May 1, 2004, the EU had fifteen Member States and eleven working languages.³⁸ On May 1, 2004, the accession of ten Eastern European countries enlarged the EU to twenty-five countries and twenty official languages.³⁹ The EU is excited about enlarging and creating an integrated community of its Member States.⁴⁰ The 2003 Accession Treaty states:

We, the current and acceding Member States, declare our full support for the continuous, inclusive and irreversible enlargement process... Our common wish is to make Europe a continent of democracy, freedom, peace and progress. The Union will remain determined to avoid new dividing lines in Europe and to promote stability and prosperity within and beyond the new borders of the Union. We are looking forward to working together in our joint endeavor to accomplish these goals. Our aim is One Europe.⁴¹

²⁸ See Accession of Denmark, Ireland, and the United Kingdom, 22 Jan. 1972, OJ 1972 L 73.

²⁹ Lasok, *supra* note 11, at 84.

³⁰ *Id.*

³¹ Raworth, *supra* note 1, at 48.

³² A. Arnall *et al.*, Wyatt and Dashwood's European Union Law 11 (2000); see also Accession of Greece, 28 May 1979, OJ 1979 L 291; See generally European Union Member States, *supra* note 22.

³³ Lasok, *supra* note 11, at 84.

³⁴ Arnall, *supra* note 32, at 11; see also Accession of Spain and Portugal, 12 June 1985 OJ 1985 L 302; see generally European Union Member States, *supra* note 22.

³⁵ Lasok, *supra* note 11, at 84.

³⁶ Arnall, *supra* note 32, at 11; see also Accession of Austria, Finland and Sweden, 29 Aug. 1994, OJ C 241; See generally European Union Member States, *supra* note 22.

³⁷ Accession of Austria, Finland and Sweden, 29 Aug. 1994, OJ 1995 C 241.

³⁸ Arnall, *supra* note 32, at 11. "[T]he original Six had become the Fifteen, comprising all the European States that escaped the imposition of Communist regimes protected by Soviet military power in the aftermath of the Second World War, with the exception of Iceland, Norway, Lichtenstein, and Switzerland."

³⁹ See Treaty of Accession 2003, *supra* note 2.

⁴⁰ *Id.*

⁴¹ *Id.*

The idea of One Europe is an ambitious goal, but in the history of the EU, there have been many benefits of integration.⁴² Hopefully the EU has not taken on too much of a task in the accession of ten new countries all at once.

C. Statistics and Facts About the Current Procedures in Use with Twenty Working Languages in the EU

Currently in the EU, although the main working languages of the EU Institutions are English, French, and to a lesser extent, German,⁴³ the texts of the treaties are equally authentic in all official EU languages.⁴⁴ With so many languages, difficulties in interpretation certainly arise:

It will always have to be presumed that the texts have the same meaning in all authentic languages. If upon comparison there is found to be a difference in meaning which cannot be eliminated by application of the usual methods of interpretation, the meaning to be adopted will have to be one which reconciles the texts with each other as much as possible.⁴⁵

I. Case Law

Problems in interpretation have led to litigation numerous times.⁴⁶ For example, in Case 29/69, *Stauder v. City of Ulm, Sozialamt*, 1969 E.C.R. 419, a question was brought before the European Court of Justice about the interpretation of a rule requiring specific conditions before butter could be sold for a lower price to people on certain types of social assistance.⁴⁷ In the German version of the rule, the “states must take all necessary measures to ensure that beneficiaries can only purchase the product in question on presentation of a ‘coupon indicating their names.’”⁴⁸ On the other hand, the versions in other official languages state that “‘a coupon referring to the person concerned’ must be shown, thus making it possible to employ other methods of checking in addition to naming the beneficiary.”⁴⁹

The Court followed the rule that “uniform interpretation makes it impossible to consider one version of the text in isolation but requires that it be interpreted on the basis of both the real intention of its author and the aim he seeks to achieve.”⁵⁰ The Court held that the “most liberal interpretation must prevail”

⁴² See generally Raworth, *supra* note 1, at 1-16.

⁴³ Lasok, *supra* note 11, at 84.

⁴⁴ Kapteyn, *supra* note 5, at 106.

⁴⁵ *Id.*

⁴⁶ See, e.g., Case 30/47, *R. v. Bouchereau*, [1977] ECR 1999; see also Case 9/79, *Wersdorfer, née Koschniske v. Raad van Arbeid*, [1979] ECR 2717.

⁴⁷ Case 29/69, *Stauder v. City of Ulm, Sozialamt*, [1969] ECR 419.

⁴⁸ *Id.*, at 424.

⁴⁹ *Id.*

⁵⁰ *Id.*

because the authors of the decision could not intend to impose stricter conditions on the people in certain Member States as opposed to the others.⁵¹ Thus, the several interpretations of the rule were reconciled, but not before much hassle in Court and many needy people without butter.

More recently, in Case 72/95, *Aannemingbedrijf P.J. Kraalijveld BV et al. v. Gedeputeerde Staten van Zuid-Holland*, [1996] ECR I-5403, the government of the Netherlands certified four questions based on the interpretation of a Council Directive on the assessment of the effects of certain public and private projects on the environment.⁵² Among other questions, the Netherlands could not determine whether the term “canalization and flood-relief works” included certain types of work on a dyke running alongside waterways.⁵³ In some languages, the directive only applied to denote the idea of flooding.⁵⁴ In other languages, the term was more general and applied to regulating all watercourses.⁵⁵ The court looked to many precedent cases where there had been difficulties in interpreting terms in the many official languages.⁵⁶ The court held that canalization and flood-relief works did include work on dykes running along waterways.⁵⁷ The court reasoned that where there is divergence on interpreting a term in the various languages of the EU, the court must look to the purpose and general scheme of the directive.⁵⁸ In this case, the directive’s purpose was to apply to the effect that a project is likely to have on the environment.⁵⁹ Here, dykes in the Netherlands alter the courses of waterways, and they have effects on the environment.⁶⁰ So, the directive was applicable.⁶¹

This case shows the difficulties that the Council must undertake in writing directives to be applied in the Member States.⁶² Each word must be subjected to strict scrutiny in order to avoid discrepancies in interpretation, but even then,

⁵¹ *Id.*, at 424-425.

⁵² Case 72/95, *Aannemingbedrijf P.J. Kraalijveld BV et al. v. Gedeputeerde Staten van Zuid-Holland*, [1996] ECR I-5403, 5412; see generally Council Directive 85/337, OJ 1985 L 175, 40.

⁵³ Case 72/95, *Aannemingbedrijf*, *supra* note 52, at 5421.

⁵⁴ *Id.*

⁵⁵ *Id.*, at 5424. “Examination of the various language versions of ... the directive shows that they fall into two categories according to whether the terms employed denote the idea of flooding. The English (‘canalization and flood-relief works’) and Finnish (‘kanavointi-ja tulvasuojeluhankkeet’) versions are similar, whereas the German, Greek, Spanish, French, Italian, Dutch and Portuguese versions refer to canalization and regulation of watercourses, the Greek version including in addition the French term ‘canalisation’ in brackets after the Greek term ... The Danish and Swedish versions contain only a single expression reflecting the idea of regulating watercourses (‘anlaeg til regulering af vandloeb’, ‘anlaegningar foer reglering av vattenfloeden’). *Id.*

⁵⁶ *Id.*, at 5421-23; see Case 80/76, *North Kerry Milk Products Ltd. v. Minister for Agriculture and Fisheries*, [1977] ECR 425, 435; see also Case 283/81, *CILFIT Srl et al. v. Ministry of Health*, [1982] ECR 3415; see also Case 449/93, *Rockfon A/S v. Specialarbejderforbundet i Danmark, acting on behalf of Nielson et al.*, [1995] ECR I-4291, 4317.

⁵⁷ Case 72/95, *Aannemingbedrijf*, *supra* note 52, at 5441.

⁵⁸ *Id.*, at 5442.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² See *id.*

questions and litigation still arise.⁶³ Further questions arise when deciding what languages should be used in the institutions of the EU.

II. EU Institutions

Five major institutions exist in the EU: the European Parliament, the Council of the European Union, the Commission, the Court of Justice, and the Court of Auditors.⁶⁴ “Deliberations within the institutions are conducted in the official languages of the Community which necessitates a system of simultaneous translation [.]”⁶⁵ The languages spoken in the institutions usually depend upon what parties are present.⁶⁶ There is a system of general agreement where the parties themselves can decide what language to speak.⁶⁷ Interpreters are also available.⁶⁸

The situation in the Court of Justice regarding what language is to be used is more definitive.⁶⁹ There are rules of procedure set so that parties to a case receive fair representation.⁷⁰ Cases may be conducted in any official language of the EU as well as in Irish.⁷¹ The plaintiff has the choice as to what language is to be used in the proceedings.⁷² If the defendant is a Member State or a natural or legal person from a Member State, then the language used in the court proceedings is the official language of that Member State.⁷³ If there is more than one official language in a Member State, then the plaintiff chooses the language.⁷⁴ If a national court refers a case to the European Court of Justice, then the language of the case is the language of that referring court.⁷⁵ At the actual hearings, the members of the Court may ask the parties questions in any of the Court’s official procedural languages.⁷⁶ The Advocate General of a case may write his opinion in his own language.⁷⁷ In the deliberations, there are no interpreters present, so French is usually spoken.⁷⁸

⁶³ See generally Arnall, *supra* note 32, at 197-200 (explaining more factors that the Court of Justice uses to decide discrepancies in interpretation).

⁶⁴ Raworth, *supra* note 1, at 62; see generally Raworth, *supra* note 1, at 61-91 (explaining the major institutions and their decision-making powers in the European Union).

⁶⁵ Lasok, *supra* note 11, at 89.

⁶⁶ Kapteyn, *supra* note 5, at 106.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ ECJ Rules of Procedure, Arts. 29-31, F, Emmert (Ed.), European Union Law Documents 223-24 (1999).

⁷⁰ *Id.*

⁷¹ Kapteyn, *supra* note 5, at 106.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ Arnall, *supra* note 32, at 196.

⁷⁶ *Id.*, at 197.

⁷⁷ *Id.*

⁷⁸ Kapteyn, *supra* note 5, at 108.

This means that a new Judge who does not speak French adequately or at all on appointment is, in deliberations, in the early days reliant on colleagues whispering in his or her ear to explain what is going on, and, in written discussions and drafts, very heavily reliant on good choices of Legal Secretaries (*référéndaires*), not least because he or she may well be a specialist in areas other than Community law itself.⁷⁹

The Court of Justice publishes its decisions in the official languages, but only the Court's decision in the language of the proceedings is authentic.⁸⁰

Thus, it is quite confusing to fully understand the procedures used in Court and in the other institutions of the EU.⁸¹ To witness a hearing in the European Court of Justice is a remarkable thing, with the several Judges, parties, and interpreters ready to speak and understand several languages.⁸² The question is whether the EU can continue its multi-lingual path.

III. Translation Cost Statistics

The interpretation necessary in the EU is very costly.⁸³ For example, before the 2004 enlargement, with only eleven working languages, simultaneous interpretation was provided in about 110 combinations in the European Parliament.⁸⁴ Over sixty percent of the Parliament's budget costs arose from this linguistic regime, which was very costly and did not prevent translation delays.⁸⁵

Furthermore, the situation in the Commission was not much better.⁸⁶ Fifteen percent of the job posts in the Commission were necessary to go towards the language and interpretation scheme.⁸⁷ This accounted for at least one-third of the budget for its administrative costs.⁸⁸

The current situation with ten new countries and nine new official languages can only worsen the costs of the translation problems.⁸⁹ After the enlargement,

⁷⁹ *Id.*, at 107-08, n.371.

⁸⁰ *Id.*, at 107-108; *see also* Kapteyn, *supra* note 5, at 107-08, n.370.

There have in the past been sometimes considerable delays (due to shortage of staff resources) in publication of the printed versions of the ECR (in all languages except French which always appears first), however, this now appears to have been resolved. But in order to reduce the translation load, many staff cases are now only printed in summary form, or in full in the language of that case. Availability of recent judgments in full text on the Court's internet home page has been of considerable value in increasing ease of access to the judgments of the Court itself and of the Court of First Instance. *Id.* Note that this text was published in 1999, before the most recent EU enlargement.

⁸¹ *See id.*

⁸² *See id.*

⁸³ Kapteyn, *supra* note 5, at 107.

⁸⁴ *Id.*

⁸⁵ *Id.* *see also* Raworth, *supra* note 1, at 48.

⁸⁶ Raworth, *supra* note 1, at 48.

⁸⁷ *Id.*

⁸⁸ *Id.* *see also* Kapteyn, *supra* note 5, at 107.

⁸⁹ *European Union: Ireland Seeks to Upgrade EU Status of Irish Language*, European Report, 27 Nov. 2004, § 2916 [hereinafter *Ireland Seeks*].

the cost of the EU's translation will rise to about 800 million euro per year.⁹⁰ This amounts to about 2.55 euro per citizen in the Member States.⁹¹ The question is whether it is truly necessary to translate into all of these languages.⁹² The following will discuss language abilities of the citizens of the Member States in an effort to direct the institutions to a more efficient future regarding interpretation.

IV. Language Abilities of Member State Citizens

The key to making the multi-lingual society of the EU work is having enough citizens who speak several languages.⁹³ Today forty-five percent of European citizens can participate in a conversation in a language other than their mother tongue, but this ability varies widely between the Member States.⁹⁴ For example, more than eight in ten people from the Netherlands, Denmark, and Sweden, and nearly everyone in Luxembourg, speaks a foreign language well enough to hold a conversation.⁹⁵ On the other hand, less than one third of the people in the United Kingdom, Ireland, and Portugal can hold a conversation in a foreign language.⁹⁶ The chart on the next page, replicated from the official EU website, will better demonstrate the language abilities of the European citizens for the first eleven official EU languages.

Many implications can be read from this chart and other information available on the language abilities of citizens in the EU.⁹⁷ First, each EU enlargement in the past decades has led to increased prominence of English, to the detriment of French.⁹⁸ English is actually the language most widely spoken in the EU.⁹⁹ In particular, in comparison with 1990, the percentage of people who speak English has increased in most of the Member States.¹⁰⁰ After English, the order of the most spoken languages follows closely with the number of inhabitants.¹⁰¹

⁹⁰ *Id.*

⁹¹ *EU to Wrestle*, *supra* note 3.

⁹² *Id.*

⁹³ Languages of Europe, at http://europa.eu.int/comm/education/policies/lang/languages/index_en.html (last updated 20 Oct. 2004).

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ A. Beatty, *France to Train 2000 in Fight to Promote Language*, EUObserver.com, 10 Sept. 2004, at <http://www.EUObserver.com/?aid=17247.html> [hereinafter *France to Train*].

⁹⁹ Languages of Europe, *supra* note 93; see also *EU to Wrestle*, *supra* note 3 (stating that English is the most spoken foreign language in the European Union, followed by Russian, then German).

¹⁰⁰ Languages of Europe, *supra* note 93.

¹⁰¹ *Id.*

Foreign Language Skills in the EU¹⁰²

Language	% of population of the EU speaking language as a mother tongue	% of population of the EU speaking language not as a mother tongue	total % speaking the language
German	24%	8%	32%
French	16%	12%	28%
English	16%	31%	47%
Italian	16%	2%	18%
Spanish	11%	4%	15%
Dutch	6%	1%	7%
Greek	3%	0	3%
Portuguese	3%	0	3%
Swedish	2%	1%	3%
Danish	1%	1%	2%
Finnish	1%	0	1%

Second, although there is a large percentage of people who speak French, more than half are native speakers.¹⁰³ In the new member states, people are more likely to speak Russian as a second language rather than French.¹⁰⁴ The European Commission even admitted that eighty-three percent of its officials and staff speak English, and only twenty-four percent speak French.¹⁰⁵ The percentages of people who speak French are decreasing, and the use of French in the EU Institutions is also decreasing.¹⁰⁶ In fact, in 1986, fifty-eight percent of all EU documents were initially drafted in French.¹⁰⁷ In 1997, that number fell to forty percent.¹⁰⁸ Today, only thirty percent of all EU documents are originally drafted in French.¹⁰⁹

German is the third most widely spoken native tongue,¹¹⁰ and many people speak German as a second language.¹¹¹ For example, seventy-seven percent of people in Luxembourg, fifty-nine percent of the people in the Netherlands, and

¹⁰² *Id.* Note that this chart does not include the new languages from the most recent EU enlargement.

¹⁰³ *Id.*

¹⁰⁴ *France to Train*, *supra* note 99.

¹⁰⁵ C.M. Sennott, *France Gives Critical Look at its Falling Influence*, Boston Globe, 3 Aug. 2004, at A1.

¹⁰⁶ R. Carter, *Campaign Launched for French as 'Legal Language of Europe'*, EUObserver.com, 13 Oct. 2004, at <http://euobserver.com/?aid=17510> (last visited 8 March 2005) [hereinafter *Campaign Launched*]; *Campaign to Make French the Language of EU Justice*, European Report, 16 Oct. 2004, § 2904 [hereinafter *Language of EU Justice*].

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *EU to Wrestle*, *supra* note 3.

¹¹¹ *Languages of Europe*, *supra* note 93.

forty-nine percent of the people in Denmark can carry on a conversation in German.¹¹² The knowledge of German is increasing in the EU.¹¹³

Finally, looking at other EU languages, Italian and Spanish are the fourth and fifth most widely known languages in the EU, but they are not spoken by high percentages of foreigners.¹¹⁴ The rest of the official languages are decreasingly less popular as the number of inhabitants in each country speaking the language decreases.¹¹⁵

It will be interesting to see more recent data collected after the 2004 EU enlargement. The current numbers show that there is an increasing number of English and German speakers, and a decreasing number of French speakers.¹¹⁶ The percentages will get even smaller once Czech, Estonian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Slovak, and Slovene are added to the chart as new official languages.¹¹⁷

D. Reality and Problems of Working in Twenty Official Languages

The language situation in the EU institutions is a very sensitive one, and there is no official plan for exactly how it should be handled.¹¹⁸ With the addition of nine languages, new problems are arising.¹¹⁹ First, there is less genuine dialogue between members in the EU institutions, and that slows communication.¹²⁰ Second, there is a considerable backlog in translation of legal documents that has hindered the passage of laws considerably.¹²¹ Finally, it is imperative to solve the translation problems while preserving the languages and cultures of all the unique Member States.¹²²

I. Lack of Genuine Dialogue

“With the increase of one-to-one relations between languages that rises exponentially when the number of official languages grows, there will be inevitably ... a further decrease in the possibility for genuine dialogue to take place in the major meetings of the EU institutions.”¹²³ For example, in a

¹¹² *Id.*

¹¹³ *See id.*

¹¹⁴ Languages of Europe, *supra* note 93.

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ M. Cremona (Ed.), *The Enlargement of the European Union* 227 (2003).

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

meeting of the European Parliament, the Members must rely on the work of interpreters for any meaningful conversation.¹²⁴ Interpreters sit in small booths at the sides of the rooms, translating every word.¹²⁵ The Members can hear the translations practically simultaneously by wearing headsets.¹²⁶ They can then respond to their colleagues in any official language.¹²⁷ “Without the interpreters, nothing would function as parliamentarians often need to fall back on the familiarity of their own language to tackle complex and highly technical issues.”¹²⁸ Therefore, with the necessity of more interpreters and less genuine dialogue, the amount of time for the members to discuss even one topic thoroughly is growing, costing the EU valuable resources.¹²⁹

II. Backlog in Translation

The French term *acquis communautaire*, meaning “what you have achieved as a Community shall be maintained,”¹³⁰ names the total body of EU law that has been accumulated.¹³¹ This is about 14,000 legal acts that make up around 100,000 pages.¹³² The Commission had a goal to simplify the legislation, repeal obsolete laws, and consolidate the *acquis* by between 30,000 and 35,000 pages before the end of 2005.¹³³ In order to meet this goal, the *acquis* would have had to be translated into all the new languages before the 1 May 2004 enlargement so that the representatives from the new Member States would be able to participate.¹³⁴ But, the *acquis* was not translated in full in all the new languages by the deadline because of the lack of translation capacity.¹³⁵ So, the process is considerably slowed until the *acquis* can be translated into the new languages.¹³⁶

¹²⁴ *EU to Wrestle*, *supra* note 3.

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *See id.*

¹³⁰ B. Schlöth, *Essay: Implications of Widening the European Union*, 18 Fordham Int'l L.J. 1251, at 1252-1253 (1995).

¹³¹ *Acquis Communautaire*, at <http://en.wikipedia.org/wiki/Acquis> (n.d.) (last visited 8 March 2005); *see* Definition of *Acquis Communautaire*, at http://europa.eu.int/comm/justice_home/fsj/enlargement/acquis/wai/fsj_enlarge_acquis_en.htm (n.d.) (last visited 8 March 2005) “The *acquis communautaire* is the body of common rights and obligations that bind all the Member States together with the EU. These rights and obligations flow from EU law: Treaties, Community legislation and case law (European Community part of the treaty), acts adopted under the intergovernmental parts of the treaty, and international agreements and conventions concluded by the Community and the Member States.” *Id.*

¹³² *Community Law: Enlargement Triggers Delay in Drive to Slim Down Acquis*, European Report, 16 June 2004, § 2877.

¹³³ *Id.*

¹³⁴ M. Beunderman, *EU Translation Problems Cost Lives, says UK*, EUObserver.com, 28 July 2004, at <http://euobserver.com/?aid=17016.html> [hereinafter *EU Translation Problems*].

¹³⁵ *Id.*

¹³⁶ *Id.*

The lack of translation capacity is also affecting the passage of new laws.¹³⁷ For example, two crucial EU financial directives that were part of the Commission's Financial Services Action Plan have been delayed six months because of translation problems.¹³⁸ One law was a transparency directive, and the other involved regulation of banking, insurance, and investment funds.¹³⁹ Prior to the enlargement, any rules to be adopted needed to be in the eleven official languages.¹⁴⁰ After the enlargement, all rules must be translated into the nine new languages as well.¹⁴¹ Therefore, because the financial directives were not passed before 1 May 2004, the process is slowed because before another vote can be taken, the laws must be translated into the new languages.¹⁴²

The delay in translation may even be costing lives.¹⁴³ The British government claims that the delay in translating EU patent law into all twenty languages has resulted in poor countries' patients being deprived of cheap life-saving medicines.¹⁴⁴ The fact that children are dying of AIDS, malaria, and tuberculosis as a result of a bureaucratic failure is scandalous.¹⁴⁵

The major problem is that translating the *acquis* and the proposed laws into the new languages is not as simple as it could be.¹⁴⁶ There are just not enough translators who know all the new languages.¹⁴⁷ For example, it is difficult to find interpreters who can translate from Maltese into Finnish.¹⁴⁸ Because of this problem, some works must go through multiple levels of translation before they reach every language. An Estonian translator's work may be translated into English, French, or German, and then it may be translated into Hungarian, Polish, Portuguese, or Maltese.¹⁴⁹ Since the most recent enlargement, EU translation services have been behind by about 3,000 pages per week.¹⁵⁰ In fact, the system of translation may be in risk of collapsing because translators are unable to cope with the increased amount of work.¹⁵¹

¹³⁷ *Id.*

¹³⁸ *Id.*; see also M. Beunderman, *Translation Problems Delay Crucial EU Financial Laws*, EUObserver.com, 10 May 2004, at <http://euobserver.com/?=aid15588.html> [hereinafter *Delay*].

¹³⁹ *Delay*, *supra* note 138.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *EU Translation Problems*, *supra* note 134.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *EU to Wrestle*, *supra* note 3.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.* After so many levels of translation, it looks like a child's game of Chinese Telephone. See *id.*

¹⁵⁰ S. Spiteri, *EU Translation Service on the Brink of Collapse*, EUObserver.com, 26 May 2004, at <http://euobserver.com/?aid=16271.html>.

¹⁵¹ *Id.*

III. Preservation of All Languages

There is the possibility of further delays in the adoption of EU legislation, and both the Commission and Council are worried about the lack of sufficient translation services in the EU.¹⁵² “The question whether it is not now time to apply more widely the practice of using one or two languages only becomes ever more pressing.”¹⁵³ At the same time, it is very important to the EU to keep its many languages in use because they truly define the unique Member States.¹⁵⁴

One problem that has arisen between the Member States after the 2004 enlargement is the official spelling of the word ‘euro.’¹⁵⁵ According to a 1997 regulation, the word must be spelled ‘euro’ in all official languages except Greek because it has a different alphabet.¹⁵⁶ This caused controversy for the new Member States Latvia, Lithuania, Hungary, Malta, and Slovenia because the spelling does not make sense in their languages.¹⁵⁷ This dispute lasted for over a month and had to be resolved before the signing of the European Constitution on 29 October 2004.¹⁵⁸ A controversy such as this shows the tenacity with which each Member State values its own language.

Thus, while using only a few languages in the EU institutions may be practical, it may not be workable. First, it is unfair to certain Member States to use economic reasons for refusing people the right to speak in their own language.¹⁵⁹ Second, Community acts should be available to Community citizens in their own languages so that they understand exactly their legal effects.¹⁶⁰ Finally, people should be able to communicate in their own languages

¹⁵² *Delay*, *supra* note 82.

¹⁵³ Kapteyn, *supra* note 5, at 107.

¹⁵⁴ *EU to Wrestle*, *supra* note 3. Davyth Hicks, editor of Eurolang, an office on minority languages in the EU, said, “lack of linguistic diversity has been compared to a decline in biodiversity. When you lose a language, you lose a whole conceptualization of the world.” *Id.*

¹⁵⁵ R. Carter, *Spelling of ‘Euro’ Creates Unexpected Headache*, EUObserver.com, 13 Sept. 2004, at <http://euobserver.com/?aid=17263> [hereinafter *Spelling*].

¹⁵⁶ *Id.* See generally Council Regulation 1103/97 on Certain Provisions Relating to the Introduction of the Euro, OJ 1997 L 162.

¹⁵⁷ M. Ruuda, *Euro Spelling Dispute Still Not Resolved*, EUObserver.com, 13 Oct. 2004, at <http://euobserver.com/?aid=17509>. For example, in Latvian, the word is “eiro;” in Hungarian, the word has an accent; and in Slovena, the word is “evro.” *Id.*; see also *Spelling*, *supra* note 155.

¹⁵⁸ Ruuda, *supra* note 157. The European Constitution was signed by EU leaders from the twenty-five Member States on 29 Oct. 2004. L. Kirk, *European Constitution to be Signed in Rome Today*, EUObserver.com, 29 Oct. 2004, at <http://euobserver.com/?aid=17657> [hereinafter *European Constitution*]. It then entered a two-year phase of national ratification. *Id.* If the Constitution is ratified by all twenty-five Member States, then it will go into effect on 1 November 2006. *Id.*; see also L. Kirk, *Subdued Ceremony for Europe’s First Constitution*, EUObserver.com, 29 Oct. 2004, at <http://euobserver.com/?aid=17668> [hereinafter *Subdued Ceremony*].

¹⁵⁹ *EU to Wrestle*, *supra* note 3.

¹⁶⁰ Kapteyn, *supra* note 5, at 107.

in the European Parliament and before the Courts so that they can truly be heard without the confusion of communicating in a second or third language.¹⁶¹

E. Current Active Efforts to Accommodate All Twenty Languages

Diversity of languages in the EU is seen as one of its most important characteristics.¹⁶² In fact, on the official EU website, the section on languages is

¹⁶¹ *Id.*

¹⁶² M. Ebner, Report with Recommendations to the Commission on European Regional and Lesser Used Languages-the Languages of Minorities in the EU-in the Context of Enlargement and Cultural Diversity, Eur. Parl. Doc. (Final A5-0271/2003) 6-7 (2003). In a motion for a European Parliament Resolution, it was stated:

whereas respect for linguistic and cultural diversity is a basic principle of the EU and is enshrined in the following terms in Article 22 of the Charter of Fundamental Rights of the European Union: ‘The Union shall respect cultural, religious and linguistic diversity’,

whereas in its resolution on the role of regional and local authorities in European integration (2002/141 (INI)) Parliament called for the following new article to be inserted in the EC Treaty: ‘The Community shall, within its spheres of competence, respect and promote linguistic diversity in Europe, including regional or minority languages as an expression of that diversity, by encouraging cooperation between Member States and utilising other appropriate instruments in the furtherance of this objective’,

whereas it is the aim of cultural diversity to be an element of social cohesion and not to operate as an argument for a division into majority and minority,

whereas indigenous minority language communities exist in some areas of the EU and, according to official statistics, 40 million Union citizens regularly speak a regional or minority language that has been handed down from generation to generation, nearly always in addition to the official language or languages of the state in question,

whereas, in some Member States, the above-mentioned languages are the most widely used vehicle of communication in the respective communities concerned and have even been accorded official or equal official status (alongside another official language) at regional level,

whereas, according to Commission information, there are over 60 known indigenous regional or minority language communities in the EU, a number which will be more than doubled as a result of the Union’s progressive enlargement,

whereas, in the course of European enlargement, a multiplicity of new regional and minority language communities will further enrich the European Union’s linguistic and cultural diversity,

entitled, “Languages: Europe’s Asset.”¹⁶³ The European Parliament and the other EU institutions have decided to promote all of the EU languages, not just the most popular.¹⁶⁴ Before the 2004 enlargement, the EU took several steps to encourage its citizens to appreciate the linguistic diversity, despite the added cost of working in so many languages.¹⁶⁵ The EU has decided that education is the key to promoting all EU languages and combating problems in translation.¹⁶⁶

whereas the presidency conclusions of the European Council in Copenhagen on 21 and 22 June 1993 state that respect for and protection of minorities is a requirement for membership of the European Union,

whereas the customary definition of regional or minority languages in the European Charter for Regional or Minority Languages covers languages traditionally used by sections of the populations of the state in question, but does not include dialects of the official language(s) of the state, the languages of immigrants or recently invented languages,

whereas the definition of regional and minority languages shall not be affected by the level of support these languages receive from their respective local and/or regional authorities,

whereas, despite the very considerable differences that sometimes exist between the social, economic, and political factors involved in their use, Europe’s regional and minority languages have many features in common throughout the EU and a European dimension, making them a matter of interest for the whole of Europe,

whereas in some of these communities regional or minority languages straddle the frontiers of Member States, and there is a tradition of long-standing cultural and historical links between other such communities,

whereas, since such links are undoubtedly important and continue to be promoted at interregional level, almost all these regional and minority language communities share a strong interest in the survival and development of their language and culture, as well as in making full use of their potential in the EU,

whereas regional and minority languages are a major cultural treasure trove and – given that they constitute a common cultural heritage – support to foster them should be improved constantly and at every level[.]

¹⁶³ Europa, *supra* note 23.

¹⁶⁴ See Resolution of the European Parliament of 16 Oct. 1981 on a Community charter of regional languages and cultures and a Charter of rights of ethnic minorities OJ 1981 C 287, 106; see Resolution of the European Parliament of 11 Feb. 1983 on measures in favour of minority languages and cultures OJ 1983 C 68, 103; see Resolution of the European Parliament of 30 Oct. 1987 on the languages and cultures of regional and ethnic minorities in the European Community OJ 1987 C 318, 160; see Resolution of the European Parliament of 11 Dec. 1990 on languages in the Community and the situation of Catalan OJ 1990 C 19, 42; see Resolution of the European Parliament of 9 Feb. 1994 on the linguistic and cultural minorities in the European Community OJ 1994 C 61, 110; see Resolution of the European Parliament of 13 Dec. 2001 on regional and lesser-used European languages OJ 2001 C 177, 334.

¹⁶⁵ See *id.*

¹⁶⁶ See generally Communication from the Commission to the Council, the European Parliament,

I. Recent History of Efforts to Promote Languages

In 1982 the European Parliament established the European Bureau for Lesser-Used Languages (EBLUL).¹⁶⁷ It is a non-governmental organization financed by the European Community with offices in Brussels, Belgium and Dublin, Ireland that promotes the EU's regional and minority language communities by acting as a channel between them and the European Institutions.¹⁶⁸ More specifically, "it provides advice and information on regional and minority languages and linguistic diversity to policy-makers, the media, the academic community and the general public."¹⁶⁹ For example, it runs EuroLang, a news service that provides information on the EU's minority languages.¹⁷⁰ The problem with EBLUL is that in 1998, its budget was suspended after a ruling by the European Court of Justice.¹⁷¹

The judgment of the Court was not concerned with less widely used languages but with questions of principle concerning the use of budgetary appropriations, and concluded that the EU's financial resources may not be used without a suitable legal basis. So far the Commission has failed to create a legal basis for the promotion of European regional and lesser-used languages.¹⁷²

After this judgment, the EU had to search for other ways to promote its linguistic diversity.¹⁷³

On 17 July 2000,¹⁷⁴ the EU designated 2001 as the official European Year of Languages.¹⁷⁵ During that year, forty-five countries participated in encouraging language learning with activities such as festivals, conferences, seminars,

and the Economic and Social Committee and the Committee of the Regions, Promoting Language Learning and Linguistic Diversity: An Action Plan 2004-2006, COM (2003) 449 final [hereinafter Action Plan]; *See generally* White Paper on Education and Training: Teaching and Learning Towards the Learning Society 1995, http://europa.eu.int/comm/education/policies/lang/teach/index_en.html (last updated 5 Oct. 2004) [hereinafter White Paper on Education].

¹⁶⁷ European Bureau for Lesser Used Languages, at <http://www.eblul.org/> (n.d.) (last visited 8 March 2005); *see generally* Humbul Humanities Hub: European Bureau for Lesser Used Languages, at <http://www.humbul.ac.uk/output/full2.php?id=2307> (last modified 22 Aug. 2001).

¹⁶⁸ Education and Training: European Bureau for Lesser Used Languages, at http://europa.eu.int/comm/education/policies/lang/langmin/eblul_en.html (last updated 2 Oct. 2005).

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*; *see also* EuroLang, at <http://www.eurolang.net/> (n.d.) (last visited 8 March 2005).

¹⁷¹ Ebner, *supra* note 162, at 15.

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *See* ECOTEC Research and Consulting Ltd., *Evaluation of the European Year of Languages 2001-Executive Summary-Aug., 2002*, at http://europa.eu.int/comm/education/policies/lang/awareness/year2001_en.html (last updated 5 Oct. 2004) [hereinafter *Evaluation*].

¹⁷⁵ European Year of Languages, at http://europa.eu.int/comm/education/policies/lang/year/year_en.html (last modified 20 Feb. 2004) [hereinafter European Year of Languages]; *see also* A Selection of Projects from the European Year of Languages, at http://europa.eu.int/comm/education/policies/lang/year/index_en.html (last modified 16 Jan. 2004) [hereinafter A Selection of Projects].

exhibitions, open-days, and mini language courses and competitions.¹⁷⁶ The European Commission spent 10.95 million euro on the Year.¹⁷⁷ The main messages were that 1) Europe is multilingual and always will be; 2) Learning languages brings people opportunities; and 3) Everyone can do it.¹⁷⁸ In its evaluation, the Year was deemed a success.¹⁷⁹ More importantly, the Year was used as a starting point for the continuing promotion of languages.¹⁸⁰ The best projects and their implementation have been published with the hopes of encouraging more communities to become involved in language learning.¹⁸¹ However, after 2001, the European Parliament could not agree on a budget for this purpose.¹⁸²

On 13 December 2001, the European Parliament adopted a Resolution calling for measures to promote language learning and linguistic diversity.¹⁸³ On February 14, 2002, the Commission was asked to create an Action Plan on linguistic diversity and language learning.¹⁸⁴ Finally, on 24 July 2003, the Commission published *Promoting Language Learning and Linguistic Diversity: An Action Plan 2004-2006*.¹⁸⁵

The Action Plan proposes forty-five actions to be taken at the European level between 2004 and 2006 to support actions by local, regional, and national authorities.¹⁸⁶ They will concentrate on three main areas: efforts toward 1) “extending the benefits of language learning to all citizens as a lifelong activity;” 2) “improving the quality of language teaching at all levels;” and 3) “building in Europe an environment which is really favourable to languages.”¹⁸⁷ In 2007, the Commission will review the implementation of the Action Plan.¹⁸⁸

¹⁷⁶ A Selection of Projects, *supra* note 175.

¹⁷⁷ European Year of Languages, *supra* note 175.

¹⁷⁸ *Id.*

¹⁷⁹ *Evaluation*, *supra* note 174, at 2.

¹⁸⁰ Action Plan, *supra* note 166, at 4.

¹⁸¹ European Year of Languages Awareness, at http://europa.eu.int/comm/education/policies/lang/year/projects/awareness_en.html (last updated 15 Dec. 2003).

¹⁸² Ebner, *supra* note 162, at 15.

¹⁸³ European Parliament Resolution of Dec. 13, 2001 on Regional and Lesser-used European Languages, B5-0770, 0811, 0812, 0814, 0815/2001, http://www2.europarl.eu.int/omk/sipade2?SAME_LEVEL=1&LEVEL=4&NAV=X&DETAIL=&PUBREF=-//EP//TEXT+TA+P5-TA-2001-0719+0+DOC+XML+V0//EN (online 17 May 2004); The European Commission’s Action Plan for Language Learning and Linguistic Diversity, http://europa.eu.int/comm/education/policies/lang/policy/index_en.html (last updated 17 Sept. 2004) [hereinafter Language Learning]; see also Action Plan, *supra* note 166, at 4.

¹⁸⁴ Ebner, *supra* note 162, at 15.

¹⁸⁵ Action Plan, *supra* note 166.

¹⁸⁶ Language Learning, *supra* note 183.

¹⁸⁷ *Id.*

¹⁸⁸ Action Plan, *supra* note 166, at 7.

II. A Closer Look at the Action Plan

According to the Action Plan, the Commission has committed a total of 8.2 million euro for the promotion of language learning and linguistic diversity between 2004 and 2006.¹⁸⁹ It has determined that the Member States themselves have primary responsibility for encouraging language learning in their own countries.¹⁹⁰ The Member States are asked to audit their own citizens' language abilities, set goals, and mark progress.¹⁹¹ The EU's role is to support and supplement the Member States.¹⁹² In particular, the EU will fund certain foreign language education programs, such as the Socrates¹⁹³ and Leonardo da Vinci¹⁹⁴ programs.¹⁹⁵ These programs train teachers, provide assistantships, create language projects for pupils and teachers, provide vocational training, and create international exchanges for language learners.¹⁹⁶

Furthermore, the Action Plan has created long-term and short-term goals for language learning.¹⁹⁷ In the long-term, the key objective is for every EU citizen to speak his mother tongue plus two other languages.¹⁹⁸ In order to achieve this goal, the Action Plan creates education opportunities in four key areas: Life-long Language Learning,¹⁹⁹ Better Language Teaching,²⁰⁰ Building a Language-Friendly Environment,²⁰¹ and A Framework for Progress.²⁰²

The short-term plan explains specific activities to be conducted in each of the four key areas between 2004 and 2006.²⁰³ For example, to promote language

¹⁸⁹ *Id.*, at 22.

¹⁹⁰ *Id.*

¹⁹¹ *Id.*, at 5.

¹⁹² *Id.*

¹⁹³ Socrates, at http://europa.eu.int/comm/education/policies/lang/funding/socrates_en.html (last updated 6 Oct. 2004) (providing in-depth information about the Socrates program).

¹⁹⁴ Leonardo da Vinci, at http://europa.eu.int/comm/education/policies/lang/funding/leonardo_en.html (last updated 6 Oct. 2004) (providing in-depth information about the Leonardo da Vinci program).

¹⁹⁵ Action Plan, *supra* note 166, at 5.

¹⁹⁶ *Id.*, at 5-6.

¹⁹⁷ *Id.*, at 7.

¹⁹⁸ *Id.*

¹⁹⁹ *Id.*, at 7-9. Life-long Language Learning Topics: 'Mother Tongue Plus Two Other Languages': Making an Early start; Language Learning in Secondary Education and Training; Language Learning in Higher Education; Adult Language Learning; Language Learners with Special Needs; Range of languages. *Id.*, at 25.

²⁰⁰ *Id.*, at 9-11. Better Language Teaching Topics: The Language-Friendly School; The Languages Classroom; Language Teacher Training; Supply of Language Teachers; Training Teachers of Other Subjects; Testing Language Skills. *Id.*, at 25.

²⁰¹ *Id.*, at 12-13. Building a Language-Friendly Environment Topics: An Inclusive Approach; Building Language-Friendly Communities; Improving Supply and Take-Up of Language Learning. *Id.*, at 25.

²⁰² *Id.*, at 14. A Framework for Progress Topics: Better-Informed Decisions; More Effective Information Sharing Between Practitioners; Clear Procedures for the Follow-Up of the Action Plan. *Id.*, at 25.

²⁰³ *Id.*, at 14-21.

learning in secondary education and training, school projects will be created that allow classes to work on a joint project with a class in another country.²⁰⁴ The project will culminate in class exchanges where the students will improve their foreign language skills.²⁰⁵

In all, the Action Plan is ambitious and an excellent way to promote language learning.²⁰⁶ Education, though, will not provide the immediate solutions necessary to prevent further delays in translation and communication in the EU Institutions.²⁰⁷ Reactions to the plan have been mixed among the Member States.²⁰⁸ At least one country, France, has become very protectionist in promoting its own language.²⁰⁹

III. France's Protectionism of its Language

When the EU began, French was the most widely spoken language.²¹⁰ With the enlargements, the use of French has steadily declined.²¹¹ Therefore, France has decided that promoting its own language is the best way to solve translation problems in the EU.²¹²

The *Organisation internationale de la Francophonie* (OIF) is an international organization with fifty-six member countries and governments that monitors cultural and linguistic diversity and the place of French in the EU Institutions.²¹³ In January 2002, the group formed its own action plan for the promotion of French in the EU.²¹⁴ For 2003 and 2004, it had a budget of three million euro to develop consultation, raise awareness, train, and develop new tools for linguistic promotion, monitoring, and publishing.²¹⁵

After the most recent enlargement, France made plans to teach its language in the new Member States.²¹⁶ It plans to spread the learning of French among both EU officials and the public.²¹⁷ For example, ten new commissioners to the EU were treated to an intensive French course before taking office on 1 May

²⁰⁴ *Id.*, at 15.

²⁰⁵ *Id.*

²⁰⁶ *See id.*

²⁰⁷ *See* M. Kelly *et al.*, *European Profile for Language Teacher Education-A Frame of Reference*, A Report to the European Commission Directorate General for Education and Culture, Sept. 2004, at http://europa.eu.int/comm/education/policies/lang/key/studies_en.html (last updated 14 Dec. 2004).

²⁰⁸ *Id.*

²⁰⁹ *EU to Wrestle*, *supra* note 3.

²¹⁰ *See generally* European Union Member States, *supra* note 22.

²¹¹ *France to Train*, *supra* note 99.

²¹² *Id.*

²¹³ *Linguistics: Francophones Call for Multilingualism and Cultural Diversity in Europe*, European Report, 14 July 2004, § 2885.

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *France to Train*, *supra* note 99.

²¹⁷ *Id.*

2004.²¹⁸ On 9 September 2004, the French Foreign Ministry announced a three-year plan to promote French in the new Member States and Bulgaria and Romania (who hope to join the EU in 2007).²¹⁹ They hope to train 2,000 teachers before 2006 to teach French in the enlarged EU.²²⁰

In October 2004, the French made an even bigger step to promote their language.²²¹ Advocates created a declaration to be sent to the European Council asking for French to be the reference language for “all texts of legal or normative nature engaging the members of the Union.”²²² Their goal is to stop the decreasing use of French in the European Institutions.²²³ The advocates believe that French should be the legal language of Europe because using French keeps differing interpretations of texts to a minimum.²²⁴

While promoting French may be one solution to solve the language problems in the EU, it may not be the only solution.²²⁵ Some believe that France’s defensive approach in promoting its language “reflects a core problem in France, its rigidity and adherence to the status quo.”²²⁶ Basically, the use of French has been on a decline in the EU.²²⁷ France is not willing to change with the times, and this could have even worse effects on the EU’s language problems.²²⁸

IV. Whether the EU’s Language Problems Are Being Solved

The EU has made an extensive plan to promote all of the languages of its Member States.²²⁹ Education of the EU citizens is a very good solution in the long term.²³⁰ The EU’s 450 million citizens will be a better-educated, more-informed public.²³¹ Furthermore, they will be open to many new job opportunities in all the different Member States and beyond.²³² In fact, translation in the EU has created hundreds of jobs for citizens of the new Member States.²³³ To be an official translator for the EU Institutions, one must pass a written and oral

²¹⁸ *EU to Wrestle*, *supra* note 3.

²¹⁹ *France to Train*, *supra* note 99.

²²⁰ *Id.*

²²¹ *Language of EU Justice*, *supra* note 106.

²²² *Id.*

²²³ *Campaign Launched*, *supra* note 106.

²²⁴ *UE: Campagne pour faire du français la langue juridique de référence [EU: Campaign to Make French the Legal Language of Reference]*, *Europolitique*, 16 Oct. 2004, § 2904.

²²⁵ *See id.*

²²⁶ Sennott, *supra* note 105.

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ Action Plan, *supra* note 166, at 3.

²³⁰ *See id.*

²³¹ *Id.*

²³² *Id.*

²³³ M. Gherghisan, *Search Begins for Translators in the Enlarged EU*, *EUObserver.com*, 27 Nov. 2003, at <http://euobserver.com/?aid=13704>.

exam and know at least two official EU languages.²³⁴ Education is the key to becoming an EU translator.²³⁵

Education, though, is not the best immediate solution to the EU's translation problems and delays.²³⁶ One suggestion is to stop translating all EU documents into all official languages.²³⁷ Starting 9 June 2004, under the advisement of the Commission, a new proposal came into action.²³⁸ A majority of EU documents began to be translated in full into the EU's working languages: English and French.²³⁹ A summary of about fifteen pages of the documents is then created in all other EU languages.²⁴⁰

The EU has also discovered that it may not be possible to translate everything into the less widely spoken languages because there are literally no people who can do the job.²⁴¹ As of November 2004, there were only eight Maltese interpreters in the world, and it is impossible for them to translate every single document or meeting in the Institutions.²⁴² To solve the problem, Malta agreed to allow the legal validity of documents that are translated into every other official EU language except Maltese.²⁴³ Furthermore, only joint regulations from the Council and the European Parliament are translated into Maltese, while rulings from the European Court of Justice are not.²⁴⁴ There is also only Maltese interpretation at the ministerial level, not for working groups for the Council or for committee meetings of the Parliament.²⁴⁵

It is apparent that the language problems in the EU are far from being solved.²⁴⁶ Hopefully cutting back on full translation of documents will at least make the problems tolerable.²⁴⁷ In the future, however, it is imperative that the EU take more steps to alleviate its language difficulties.²⁴⁸ More can be done to accommodate all the languages of the Member States.²⁴⁹

²³⁴ *Id.*

²³⁵ *Id.*

²³⁶ *See id.*

²³⁷ Spiteri, *supra* note 150.

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ *Id.*

²⁴¹ *Ireland seeks*, *supra* note 89.

²⁴² *Id.*

²⁴³ *Id.*

²⁴⁴ *Dublin Puts in Request for Irish as an Official EU Language*, EUObserver.com, 25 Nov. 2004, at <http://euobserver.com/?aid=17838> [hereinafter *Dublin Puts in Request*].

²⁴⁵ *Id.*

²⁴⁶ *See id.*

²⁴⁷ *See id.*

²⁴⁸ *See id.*

²⁴⁹ *See id.*

F. Potential Solutions for the EU Language Problems

The EU's biggest obstacle in solving its language controversy is that "freedom once given cannot be taken away."²⁵⁰ Basically, the EU should have addressed the growing number of official languages long before the 2004 enlargement to avoid any controversy with the Member States.²⁵¹ "Now it is difficult to imagine the Union denying equal linguistic rights to new entrants, let alone rolling back the rights that already exist."²⁵² The EU is not the only multi-lingual organization in the world.²⁵³ Analyzing how other organizations and multi-lingual countries handle accommodating several languages will provide fresh insight to the EU's problem.²⁵⁴

I. The United Nations

The United Nations (hereinafter UN), formed in 1945, is an international organization with the broad purpose of maintaining international peace and security.²⁵⁵ It began with fifty-one member countries,²⁵⁶ and their Charter was made equally authentic in five languages: Chinese, French, Russian, English, and Spanish.²⁵⁷ Today, the UN has 191 member countries,²⁵⁸ and it operates in six languages: Arabic, Chinese, English, French, Russian, and Spanish.²⁵⁹

The UN has six main bodies.²⁶⁰ The General Assembly, Security Council, Economic and Social Council, Trusteeship Council, and Secretariat have their main headquarters in New York, United States of America.²⁶¹ These first five bodies operate in all six official UN languages.²⁶² In sessions, translation was consecutive until 1965, and then it became simultaneous, much like in the EU Institutions.²⁶³ Many people who speak at the UN bodies are speaking in a

²⁵⁰ Raworth, *supra* note 1, at 48.

²⁵¹ *See id.*

²⁵² Raworth, *supra* note 1, at 48.

²⁵³ *See discussion infra* Parts F.I, F.II, F.III.

²⁵⁴ *Id.*

²⁵⁵ D.J. Whittaker, *United Nations in the Contemporary World* 6 (1997); Charter of the United Nations, art. 1, <http://www.un.org/aboutun/charter/index.html> (n.d.) (last visited 8 March 2005) [hereinafter UN Charter]; *see also* J. En Noyes (Ed.), *The United Nations at 50: Proposals for Improving Its Effectiveness* 188 (1997).

²⁵⁶ UN History, at <http://www.un.org/aboutun/history.htm> (n.d.) (last visited 8 March 2005).

²⁵⁷ UN Charter, *supra* note 255, at art. 111; En Noyes, *supra* note 255, at 216.

²⁵⁸ UN Facts, at <http://www.un.org/geninfo/faq/faq/faq.html> (n.d.) (last visited 8 March 2005).

²⁵⁹ UN Background, at http://www.state.gov/www/background_notes/un_0007_bgn.html (last updated 20 Jan. 2001); *see also EU to Wrestle*, *supra* note 3.

²⁶⁰ UN General Information, at <http://www.icj-cij.org/icjwww/igeneralinformation/ibook/Bbookframepage.htm> (n.d.) (last visited 8 March 2005).

²⁶¹ UN Overview, at <http://www.un.org/Overview/brief1.html> (n.d.) (last visited 8 March 2005);

See generally Whittaker, *supra* note 159, at 9-12.

²⁶² UN General Information, *supra* note 260.

²⁶³ *Id.*

language other than their mother tongue, and so they often read from a prepared text.²⁶⁴ They often supply the Registrar with a copy of their prepared text before they speak, so that it is easier for everyone to understand.²⁶⁵ With six official languages and 191 countries, this system is workable and feasible.²⁶⁶

The final body, the International Court of Justice, is located in The Hague, Netherlands.²⁶⁷ It operates in only English and French.²⁶⁸ The parties may perform their written and oral pleadings in English, French, or a combination of both languages.²⁶⁹ In some circumstances, a party may conduct pleadings in a language other than the two languages of the Court.²⁷⁰ In such cases, the party must inform the Registrar in advance and provide a translation in either English or French.²⁷¹

In comparing the EU to the UN, it would be interesting to see how the EU would operate with fewer languages. Perhaps one could “eliminate languages that are not spoken by a certain minimum of people within the Union. If this minimum were set at 20 million, it would eliminate all languages but English, French, German, Italian, and Spanish. Among the languages of the new adherents, only Polish would qualify.”²⁷² This would undoubtedly cause much controversy among the Member States whose languages would be dropped.²⁷³ But, many solutions to the EU language problems will include the discontinuation of some languages as official working languages of the EU.²⁷⁴

II. India

Languages have been a major cause of strife in India’s history.²⁷⁵ With over one billion people,²⁷⁶ it has 1,652 different “mother tongues.”²⁷⁷ But, languages are not the only things over which India is divided.²⁷⁸ It is also home to followers of all the major world religions, and it takes part in a complicated social caste sys-

²⁶⁴ *Id.*

²⁶⁵ *Id.*

²⁶⁶ *See id.*

²⁶⁷ UN Overview, *supra* note 261; *see generally* Whittaker, *supra* note 255, at 12.

²⁶⁸ Statute of the International Court of Justice, chap. III; *see also* En Noyes, *supra* note 255, at 226-227.

²⁶⁹ UN General Information, *supra* note 260.

²⁷⁰ *Id.*

²⁷¹ *Id.*

²⁷² Raworth, *supra* note 1, at 48.

²⁷³ *See id.*

²⁷⁴ *See id.*

²⁷⁵ R.L. Hardgrave, Jr. and Stanley A. Kochanek, *India Government and Politics in a Developing Nation* 14 (2000).

²⁷⁶ India Facts, at <http://www.cia.gov/publications/factbook/geos/in.gov> (n.d.) (last visited 8 March 2005).

²⁷⁷ Hardgrave, *supra* note 275, at 152.

²⁷⁸ *Id.*, at 14.

tem.²⁷⁹ Such division has led to an identity crisis among the citizens and violent political strife.²⁸⁰

India's history explains much of the turbulence and controversy regarding languages.²⁸¹ Until the nineteenth century, the Moghul Empire, during which time the languages of Hindi and Urdu and their dialects were developed, ruled much of India.²⁸² In the nineteenth century, India became a British colony, and English was introduced.²⁸³ It soon became the language of the government and the educated elite.²⁸⁴ In 1947, India gained its independence,²⁸⁵ and was left with fifteen major languages and twenty-four others that were each spoken by more than one million people.²⁸⁶ It also had hundreds of minor languages and dialects.²⁸⁷ The question of what the official language of India should be became extremely controversial.²⁸⁸

In its new constitution written in 1949 for an independent India, Hindi in the Devangari script was to become the official language.²⁸⁹ Furthermore, English was to be replaced as the language of government after fifteen years.²⁹⁰ In the North, most people spoke Hindi and very little English.²⁹¹ They were strong advocates of the change.²⁹² In the South, though, most people spoke English and few spoke Hindi.²⁹³ A change in the official language would put southerners at a severe disadvantage in competing for jobs.²⁹⁴ The controversy caused riots in the state of Tamil Nadu, and more than 300 people were killed.²⁹⁵ Finally, a complicated compromise was finally reached and encompasses eleven articles of India's Constitution.²⁹⁶

Today, Hindi is the official language of India.²⁹⁷ It is the national language for about thirty percent of the population.²⁹⁸ India also recognizes eighteen other official languages.²⁹⁹ English has an associate status and is used as the language for national, political, and commercial communication.³⁰⁰

²⁷⁹ *Id.*

²⁸⁰ P.R. Brass, *Language, Religion and Politics in North India* 14 (1974).

²⁸¹ *See id.*

²⁸² India Information, at <http://www.adaniel.tripod.com/Languages2.htm> (last updated 2000).

²⁸³ *Id.*; see also Hardgrave, *supra* note 275, at 30.

²⁸⁴ Hardgrave, *supra* note 275, at 152-153.

²⁸⁵ *Id.*, at 28.

²⁸⁶ *Id.*, at 14.

²⁸⁷ *Id.*

²⁸⁸ *Id.*

²⁸⁹ India Const. art. 343, <http://indiacode.nic.in/coiweb/welcome.html> (last updated 16 July 2004).

²⁹⁰ *Id.*

²⁹¹ Hardgrave, *supra* note 275, at 152.

²⁹² See generally K. Ahmad Abbas, *A Link Language for the Common Man*, *Language and Society in India* (1969).

²⁹³ Hardgrave, *supra* note 275, at 152.

²⁹⁴ *Id.*

²⁹⁵ *Id.*, at 153.

²⁹⁶ India Const., *supra* note 289, at art. 343-351.

²⁹⁷ Hardgrave, *supra* note 275, at 152.

²⁹⁸ India Facts, *supra* note 276.

²⁹⁹ India Tourism, at <http://www.allindiatourism.com/destinations/languages.html> (last updated

Furthermore, each of India's twenty-five states³⁰¹ is permitted to have its own official language, and English is to be the link language between the states and the Centre Government.³⁰² The problem is that the government does not recognize all of the states' official languages.³⁰³ In retaliation, the states do not follow the language laws.³⁰⁴ For example, the state of Tamil Nadu in the South has eliminated Hindi, the official language of India, from its school curriculum.³⁰⁵ The states' rebellion against the language laws can also be seen in the working of India's governing bodies.³⁰⁶

The main government institutions of India include the executive branch, which has a President, the Council of Ministers, and the bureaucracy; Parliament; and the Supreme Court.³⁰⁷ The main languages in the government bodies are Hindi and English.³⁰⁸ If it is necessary, some business may be conducted in other Indian languages.³⁰⁹ Using Hindi and English is generally workable in the government institutions, but there are still some members who will only speak in their mother tongues, reminding the other members of their distaste for the official working languages.³¹⁰

The EU, although very different from the structure of India, can learn much from its language problems. First, the EU is much smaller and is trying to accommodate fewer languages than India.³¹¹ Also, the EU is not trying to become one country, it is trying to maintain twenty-five separate, individual Member States and yet become one union.³¹²

The EU must remember not to disvalue or discredit any of the languages of the Member States.³¹³ By not recognizing some states' official languages, India seems to be causing itself much unrest and political strife.³¹⁴

Furthermore, India's idea of having a link language between the states and government is enlightening. In India, that language is English.³¹⁵ In the EU, the Institutions have the working languages of English, French, and some

2003); *see also* India Information, *supra* note 282.

³⁰⁰ India Facts, *supra* note 276.

³⁰¹ Hardgrave, *supra* note 275, at 14.

³⁰² *Id.*, at 153.

³⁰³ India Information, *supra* note 282.

³⁰⁴ Hardgrave, *supra* note 275, at 153.

³⁰⁵ *Id.*, at 153.

³⁰⁶ *Id.*, at 70.

³⁰⁷ *Id.*, at 61.

³⁰⁸ *Id.*, at 79.

³⁰⁹ India Const., *supra* note 289, at art. 343-51.

³¹⁰ Hardgrave, *supra* note 275, at 79.

³¹¹ The EU has about 450 million people. Action Plan, *supra* note 166, at 3; India has over one billion people. India Facts, *supra* note 276; The EU is trying to accommodate twenty languages. *EU to Wrestle*, *supra* note 3; India is trying to accommodate over 1,000 variations of its languages. Hardgrave, *supra* note 275, at 152.

³¹² *See supra* Part B.

³¹³ *Id.*

³¹⁴ India Information, *supra* note 282.

³¹⁵ Hardgrave, *supra* note 275, at 153.

German.³¹⁶ Perhaps the EU can develop the idea of a link language or languages even further, and it may be able to avoid some future translation problems.

III. Canada

Throughout its history, Canada has enjoyed people speaking a variety of European languages,³¹⁷ such as French, English, German, Ukrainian, and Polish,³¹⁸ and over 300 Aboriginal languages.³¹⁹ The official use of languages in Canada has gone through much turmoil and change.³²⁰ Today, it has two official languages: English and French.³²¹ The EU can learn much from Canada's history in determining how to accommodate for its many languages.³²²

Canada's first languages were native.³²³ When Europeans first arrived in North America in the sixteenth century, there were about fifteen million people living on the continent.³²⁴ These people spoke hundreds of different languages that were each as unique as English is from Japanese.³²⁵ The arrival of the Europeans marked the marginalization of the lifestyles, cultures, and languages of the Native people by their intruders.³²⁶ In fact, whenever the Canadian government examined its language problems, it did not include the Native languages in its scope.³²⁷ As a result, some Native groups have completely lost their languages.³²⁸ Today, there are fifty-three Aboriginal languages in use, but none are recognized as official Canadian languages.³²⁹

The French established the first large European establishment in Canada in the early seventeenth century.³³⁰ French was the European language of the majority in Canada³³¹ even when France abandoned its colony to England in

³¹⁶ Lasok, *supra* note 11, at 84.

³¹⁷ See generally W.F. Mackey, *The Foundations*, in J. Edwards (Ed.), *Languages in Canada* (1998).

³¹⁸ R. Darnell, *Sociolinguistic Perspectives on Linguistic Diversity*, *Diversity in Canadian Society* 26 (1969).

³¹⁹ Eung-Do Cook, *Aboriginal Languages: History*, in J. Edwards (Ed.), *Languages in Canada* 125 (1998).

³²⁰ *Id.*

³²¹ Languages Act of Canada, at http://en.wikipedia.org/wiki/official_languages_Act_of_Canada.html (n.d) (last visited 8 March 2005).

³²² See *infra* text accompanying notes 342-364.

³²³ Mackey, *supra* note 317, at 13.

³²⁴ *Id.*, at 13.

³²⁵ *Id.*, at 14.

³²⁶ P. Larrivée, *A Final Note on Culture, Quebec Native Languages and the Quebec Question*, in *Linguistic Conflict and Language Laws: Understanding the Quebec Question* 189 (2003).

³²⁷ Darnell, *supra* note 318, at 23.

³²⁸ Larrivée, *supra* note 326, at 195.

³²⁹ Cook, *supra* note 319, at 125.

³³⁰ J.-Ph. Warren, *The History of Quebec in the Perspective of the French Language*, in P. Larrivée (Ed.), *Linguistic Conflict and Language Laws: Understanding the Quebec Question* 189 (2003).

³³¹ Mackey, *supra* note 317, at 29.

1763.³³² This marked the beginning of the continuing Canadian struggle between the French and English languages.³³³

The British tolerated the French-speaking Canadians until 1839 when it declared English to be the only official language of Canada.³³⁴ However, in 1848, French was allowed to be used in Parliament, and in 1867, French was recognized again as an official language of Canada.³³⁵ Throughout the late nineteenth and early twentieth centuries, though, the provinces began enacting their own laws that all but banned the use of French.³³⁶ The province of Quebec, which is mostly French speaking, decided to fight for its language.³³⁷ It pushed the Canadian government to conduct a study between the use of French and English in Canada that led to the passage of the Official Languages Act of 1969.³³⁸

The Official Languages Act of 1969 made French and English the official languages in Canada for everything involving parliament and the federal government.³³⁹ These two languages became equal in terms of federal legislation, administration, and the justice system.³⁴⁰ Specifically, the law forced the federal administration to communicate and offer services in both languages in the capital, Ottawa, and in other bilingual districts.³⁴¹ In areas outside the bilingual areas, services would be in the predominant language.³⁴² Furthermore, the Act created the position of Commissioner of Official Languages to oversee application of the Act.³⁴³

In 1982, the federal government made the new language law official by reforming the Constitution and adopting the Canadian Charter of Rights and Freedoms³⁴⁴ which reiterated the citizens' rights to communicate in French or

³³² Warren, *supra* note 330, at 62.

³³³ *Id.*

³³⁴ Mackey, *supra* note 317, at 29.

³³⁵ *Id.*, at 30.

³³⁶ *Id.* In 1890, French was banned from both the judiciary and the legislature of Manitoba. Henceforth, all laws were passed in English only-until almost a century later, when the Supreme Court of Canada declared invalid all Manitoba laws dated after 1890, since they had been enacted only in English. French was banned, not only in Manitoba, but also in Ontario in 1912, at a time when a fifth of the population of that province was French-speaking. It was also banned in Saskatchewan where, in 1916, French was no longer to be taught in public schools. *Id.*

³³⁷ Mackey, *supra* note 317, at 33-34.

³³⁸ Official Languages Act, <http://laws.justice.gc.ca/en/0-3.01/html> (last updated 31 Aug. 2004); see Mackey, *supra* note 317, at 34.

³³⁹ Official Languages Act, *supra* note 338, at preamble; K. McRae, *Official bilingualism: from the 1960s to the 1990s*, in J. Edwards (Ed.), *Languages in Canada* 66 (1998).

³⁴⁰ Official Languages Act, *supra* note 338, at preamble; M. Chevrier, *A Language Policy for a Language in Exile*, in P. Larrivée (Ed.), *Linguistic Conflict and Language Laws: Understanding the Quebec Question* 135 (2003).

³⁴¹ Chevrier, *supra* note 340, at 135. The idea of bilingual districts proved to be very difficult to maintain in practice. *Id.* The federal government decided to abandon the idea in 1977. McRae, *supra* note 339, at 72-76.

³⁴² McRae, *supra* note 339, at 66.

³⁴³ *Id.*; see also Chevrier, *supra* note 340, at 136.

³⁴⁴ See generally, Chevrier, *supra* note 340, at 137-152 (analyzing and criticizing the Charter in

English.³⁴⁵ In 1988, the Official Languages Act was revised, making “more powerful language legislation” in the government institutions.³⁴⁶ For example, in federal courts other than the Supreme Court, the presiding judge must “understand the language of the person being tried without the assistance of an interpreter.”³⁴⁷

Language rights have made much progress in Canada since 1969.³⁴⁸ Ninety-nine percent of the Canadian population speaks French or English.³⁴⁹ However, there are still language problems.³⁵⁰ There is a constant struggle between the French speakers in Quebec and the English-speaking majority.³⁵¹ In fact, Quebec almost became a sovereign state in 1995.³⁵² After a referendum, 49.7 percent of Quebec’s population voted against sovereignty, while 48.5 percent voted a very close yes to becoming sovereign.³⁵³ Only time will reveal if Canada will remain united.³⁵⁴

The EU must learn from the struggles of Canada in accommodating its languages.³⁵⁵ It must remember that languages are important and delicate.³⁵⁶ It must not lose any of its many languages or their dialects like the Native Canadians lost so many Aboriginal languages.³⁵⁷ It is also important that no languages are officially ‘banned,’ as some Canadian provinces banned the use of French.³⁵⁸ Finally, the EU must also remember that it is fortunate to be able to accommodate for so many languages because Canada has truly been struggling with only two languages.³⁵⁹

G. The Future of the EU

If the language policy in the EU remains the same, it will be difficult to exclude any language, no matter how small.³⁶⁰ The Member States are recognizing the language problems in the EU, and they are becoming protectionist.³⁶¹ Fearing

Canada).

³⁴⁵ McRae, *supra* note 339, at 66-67.

³⁴⁶ *Id.*, at 67.

³⁴⁷ Chevrier, *supra* note 340, at 136.

³⁴⁸ Darnell, *supra* note 318, at 16.

³⁴⁹ *Id.*, at 16.

³⁵⁰ J. Edwards, *Introduction*, in J. Edwards (Ed.), *Language in Canada* 2 (1998).

³⁵¹ *Id.*

³⁵² *Id.*

³⁵³ *Id.*

³⁵⁴ *See id.*

³⁵⁵ *See id.*

³⁵⁶ *See id.*

³⁵⁷ Larrivée, *supra* note 326, at 195.

³⁵⁸ Mackey, *supra* note 317, at 30.

³⁵⁹ Ch. Castonguay, *The Fading Canadian Duality*, 36-60 in J. Edwards (Ed.), *Language in Canada* (1998).

³⁶⁰ *See supra* p. 32.

³⁶¹ *See supra* Part E.III.

that some language reform will eliminate the number of official EU languages, the lower house of the German Parliament asked its government to push for German to be a third principle EU language, along with English and French.³⁶²

Other countries are trying to protect their regional dialects by asking that they be official EU languages.³⁶³ The idea is that “[i]f Maltese with 300,000 speakers and Estonian with 1 million speakers can be official languages, then what about Catalan with 7.3 million, Basque with 600,000, or Welsh with 550,000?”³⁶⁴ Recently, both Ireland and Spain have asked the EU to upgrade the status of their national and regional languages.³⁶⁵

In November 2004, Ireland asked that the Irish language become an official EU language.³⁶⁶ Currently, Irish is a Treaty language, where treaties are translated into Irish and citizens can write to the EU Institutions and receive replies in that language.³⁶⁷ Ireland wants the language to become official because it is the only Treaty language that is not official.³⁶⁸ Furthermore, Ireland has recognized that since the May 2004 enlargement, other languages which are spoken by relatively small numbers, such as Maltese or Slovenian, are becoming official.³⁶⁹ Ireland wants its language to have the same status.³⁷⁰

In its proposal, Ireland recognizes the present translation difficulties.³⁷¹ It has proposed that for a temporary period of four years, only joint regulations adopted by the Council and Parliament would be translated into Irish.³⁷² European Court of Justice rulings would not be translated.³⁷³ Furthermore, there would be Irish interpreters present when the ministers meet in the Council or in the European Parliament, but not in working groups or committees.³⁷⁴

In December 2004, Spain presented proposals to the EU to make Galician, Basque, and Catalan-Valencian official EU languages.³⁷⁵ It reasoned that citizens should have the right to petition in their own languages, and it even offered to pay for the additional translation that would be necessary.³⁷⁶

The acceptance of the new languages has become a point of controversy for some Spanish political parties.³⁷⁷ For example, the Convergencia Democrática

³⁶² *EU to Wrestle*, *supra* note 3.

³⁶³ *Id.*

³⁶⁴ *Id.*

³⁶⁵ *No Decision on Irish and Spanish Efforts to Upgrade Languages*, European Report, 15 Dec. 2004, § 2921 [hereinafter *No Decision*].

³⁶⁶ *Dublin Puts in Request*, *supra* note 244.

³⁶⁷ *Id.*

³⁶⁸ *Id.*

³⁶⁹ *Ireland Seeks*, *supra* note 89.

³⁷⁰ *Id.*

³⁷¹ *Dublin Puts in Request*, *supra* note 244.

³⁷² *Id.*

³⁷³ *Id.*

³⁷⁴ *Id.*

³⁷⁵ A. Beatty, *Spain Calls for Language Recognition*, EUObserver.com, 14 Dec. 2004, at <http://euobserver.com/?aid=17992>.

³⁷⁶ *Id.*

³⁷⁷ A. Beatty, *Catalan Leader Talks Tough*, EUObserver.com, 4 Oct. 2004, at <http://euobserver>

de Catalunya party threatened to vote against the EU Constitution that was signed in October 2004, if Catalan-Valencian was not adopted as an official language.³⁷⁸ If the Constitution is not ratified by all Member States, then it cannot go into force.³⁷⁹ The Spanish referendum regarding the Constitution, however, took place in February, 2005, before the EU could decide the matter of adding the languages, and a majority in Spain voted to ratify the Constitution anyways.³⁸⁰

It is unclear whether the EU will accept the additional languages proposed by Ireland and Spain.³⁸¹ All twenty-five Member States must unanimously approve the addition.³⁸² The Member States recognize that the EU is being “stretched to the limit” with twenty languages.³⁸³ Even if the EU can handle its present twenty languages and possibly the new regional languages, the question remains what will happen after the next enlargement.³⁸⁴ Bulgaria and Romania expect to sign an accession treaty by May 2005 so that they may enter the EU by January 2007.³⁸⁵ With the addition of even more languages, it is not practical to think that the current EU language policy can remain.

H. Conclusion

The EU has grown and developed for over fifty years into an important world force.³⁸⁶ It has dealt with several enlargements, and it has survived them all and maintained its current language policy.³⁸⁷ The 2004 enlargement brought the EU to twenty-five Member States and twenty official languages.³⁸⁸ It is struggling to accommodate all of the new languages, and it is also being bombarded with requests to include even more regional languages.³⁸⁹ It is also facing another enlargement in a few years, with more languages.³⁹⁰

.com/?aid=17436 [hereinafter *Catalan Leader*].

³⁷⁸ *Id.*

³⁷⁹ Ruuda, *supra* note 157; The European Constitution was signed by EU leaders from the twenty-five Member States on 29 Oct. 2004. *European Constitution*, *supra* note 158. It then entered a two-year phase of national ratification. *Id.* If the Constitution is ratified by all twenty-five Member States, then it will go into effect on 1 Nov. 2006. *Subdued Ceremony*, *supra* note 158.

³⁸⁰ *Catalan Leader*, *supra* note 377; see also B. Kaufmann, *Five Spanish Lessons for Europe*, EUObserver.com, 21 Feb. 2005, at <http://euobserver.com/?aid=18459&sid=7>.

³⁸¹ *No Decision*, *supra* note 365.

³⁸² *Id.*

³⁸³ *Dublin Puts in Request*, *supra* note 244.

³⁸⁴ *EU Wrestle*, *supra* note 3.

³⁸⁵ *EU/Bulgaria/Romania: Accession Treaty Set to be Signed 'by May 2005' as Talks Closed*, European Report, 15 Dec. 2004, § 2921.

³⁸⁶ See *supra* Part B.

³⁸⁷ *Id.*

³⁸⁸ *Id.*

³⁸⁹ See *supra* Part G.

³⁹⁰ *Id.*

The EU should not be afraid to fix this problem instead of adhering to a tired status quo. Although a new language law would surely be controversial, it is necessary. The EU can surely find a good compromise with its Member States and their languages as it has already done with Malta.³⁹¹ Other multilingual organizations can lend inspiration, such as India, Canada, and the UN. The EU must learn from the problems in India and Canada regarding the banning and devaluing of certain languages. It must remember to have respect and rejoice in the many different cultures and languages that make up the union. Perhaps the EU can draw from the example in the UN where although every member country's language is valued and is important, the members agree to work in only six languages.³⁹² Accommodations can be made when one must speak in an additional language.

There is hope and promise for the future of the language situation in the EU. The consequences of not addressing the translation and interpretation problem, though, will lead to even higher costs and logistical nightmares.³⁹³ The EU is an important world force. The entire world will be affected by the EU's ineffectiveness if there is no change.³⁹⁴

³⁹¹ See *supra* Part B.IV.

³⁹² See *supra* Part F.I.

³⁹³ See *supra* Part D.

³⁹⁴ *Id.*