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[ Legislation and practice in the usage of the Basque language in the \*Foral Community of Navarre

Iulen Urbiola Loiarde

2005

\*(*Foral*: Relative to the *Fueros*, pertaining to the privileges of the Kingdom of Navarre.)



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# **Legislation and practice in the usage of the Basque language in the Foral Community of Navarre**

**Iulen Urbiola Loiarte**

Director of the Euskera Kultur Elkargoa Foundation

**2005**

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## 1. Introduction

According to today's legislation, Castilian and Basque are the languages corresponding to the Foral Community of Navarre.<sup>1</sup> Nevertheless, this very same legislation, in principle of a provision and guarantee nature, establishes internal borders that limit and eliminate the rights of Navarre's citizens according to the area of Navarre where they live or develop juridical relationship. Within the territory of Navarre, as a citizen moves across it, he/she increasingly loses rights.

In its report on the visit paid to the Foral Community of Navarre in March 2003, the European Bureau for Lesser Used Languages (EBLUL) observes that *it is true that there is no ideal linguistic policy, for each territory and each society has its own peculiarities, but from Europe we cannot admit that in a process of development and linguistic normalisation some steps are taken backwards in order to give back to the strong language its privileged status. This cannot be accepted. From regional executive powers and some local ones, the use of Basque is being legislated and limited to some geographical areas, which remind us more of the ghetto concept than of a development and normalisation language policy.*<sup>2</sup>

Navarre's linguistic reality and its juridical framework are complex, as is its political scene; with hardly half a million inhabitants, it has six different parties with parliamentary representation to which we have to add Batasuna, recently declared illegal.<sup>3</sup> From higher to lower representation: Union of Navarre People (*Unión del Pueblo Navarro*), Socialist Party of Navarre (*Partido*

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<sup>1</sup> Article 2.1 of the Foral Law of December 15, 1986, nr. 18/86 (Parliament of Navarre), on the Basque Language.

<sup>2</sup> Report on the visit paid to Navarre by the European Bureau for Lesser Used Languages on March 28, 2003.

<sup>3</sup> Despite not being represented in the Parliament of Navarre due to the sentence of illegalisation pronounced by the Supreme Court in Madrid, this party obtained social support in the last foral elections of about 6% of the voters, what in a normalised situation would have provided it with representation in the Parliament.

*Socialista de Navarra*), *Aralar*, Democratic Convergence of Navarre (*Convergencia Democrática de Navarra*), *Eusko Alkartasuna* and Basque Nationalist Party (*Partido Nacionalista Vasco*).

The UPN and PSN are of Spanish adscription. Aralar, EA and PNV are of Basque adscription. The CDN is an offshoot of the UPN that recognises the Spanish constitutional framework as its own.

This plurality of identity or of belonging expresses itself in the linguistic normalisation policies of the foral territory. Unfortunately for the Basque language, the political conflict existing between Spanish nationalism and Basque nationalism directly impinges on the defence, development and protection policies of this language. In its last congress, held in March 2005, the UPN, the party that leads the foral government,<sup>4</sup> made the following statement during the political conference devoted to the Basque language with the suggestive title 'Democratic Normality and Linguistic Normalisation': *At any rate, we should not speak about linguistic normalisation as long as democratic normality is not achieved. (...) The UPN is in favour of promoting Basque after guaranteeing citizens' constitutionally protected essential rights such as education, equality, justice, freedom and social integration and pluralism.*<sup>5</sup>

In short, the UPN conditions the rights of Basque speakers in Navarre to full *democratic normalisation*; in other words, the disappearance of the ETA. This is to say, there is the possibility of violating the recognised rights of the Basque speakers by the political agents through the institutions as long as there is no *democratic normalisation*. To which we have to add that there will never be any normality as long as political agents theorise and execute by limiting rights.

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4 In the FCN, the Popular Party (*Partido Popular*) does not exist. In the Spanish Parliament (*Cortes Españolas*), the UPN does not exist and the representatives of Navarre's citizens elected by the electoral base of this party are ascribed to the PP.

5 I wish to take advantage of this occasion to highlight the constant tendency of the members of this party to identify Euskera as Basque language (*vascuence*).

In turn, also in March 2005, the Socialist Party of Navarre approved the Political Resolution on Basque proposed by the Executive of the PSN, in which it asserts the following: **We, the socialists, have maintained and will maintain that Navarre has amongst its 'identity features', ("hechos diferenciales")**, in addition to our institutional model, the result of the constitutional pact and of the economic model based on agreement, **partial or zonal bilingualism**. Navarre's bilingual model is a fact that differentiates and distinguishes us, the Navarre population. In this sense, we ratify what is established in the LORAFNA that recognises that Castilian is the official and majority language in Navarre and that Basque is also an official language in the Basque-speaking areas of Navarre. We, the socialists, do not wish to force Navarre to the Basque language (euskaldunizar) but to make linguistic cohabitation easier and favour it. We denounce and reject the political and partisan use and exploitation of Basque, the perversion of which even attains the language, which is never aseptic. **This is why we do not accept today the demand of euskaldunisation<sup>6</sup>, reuskaldunisation or linguistic normalisation, concepts that for us are already surpassed and are very frequently used by some people to justify their attempt to carry out the linguistic immersion of the whole Community**. We understand that Basque has attained normalisation in Navarre, which is the result of the political bet made in the past by the socialists; now we should insist on further perfecting social living together, the territorial cohesion based on linguistic normality outside any political, partisan and/or electoral interest. (...)

**University education.** We, the socialists, consider that the main goal of university is to train good professionals and not to foster bilingualism and, in this sense, **we do not agree with the proposal of making Public University bilingual, for we believe that at the Public University of Navarre, the technical qualification of its degrees must be given priority over linguistic qualification.** (...)

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<sup>6</sup> Note of the author: *Euskaldun* is the Basque word that defines the person who speaks and knows the Basque language.

**Public administrations.** *We believe that, generally speaking, **knowing Basque is not essential** to perform most jobs in the public administrations of Navarre (central, autonomic or local), so that for **performing a job in the public administration we understand that the criterion to measure the knowledge of Basque must be similar to that attributed to other Community or extra-Community languages and it must always be linked to the efficiency and efficacy principle of public services.** (...)*

**Labelling and signposting.** *We, the socialists of Navarre, consider that labelling and signposting must adjust firstly to what is established in the legislation in force applied in a reasonable way in all its terms taking into account **the first aim of labelling that is to convey information that is perceptible to most citizens.***<sup>7</sup>

The PSN considers that linguistic normalisation has concluded and in an act of unrivalled political cynicism it asserts that Navarre's "differential fact" (*hecho diferencial*) is to be found in the legal treatment that is given to Basque and not in Basque itself. A legal treatment that expresses itself in the linguistic zonification (divisions in zones) that the EBLUL, in its 2003 Report, denounces as *certain geographical areas that remind us more of the ghetto concept than of a development and normalisation policy.*<sup>8</sup>

In this paper I will try to analyse thoroughly the reality of Navarre's linguistic rights so that the reader obtains a clear picture of linguistic normalisation and the right to the use of Basque in the FCN, both from a theoretical and practical point of view. But, firstly, let us set ourselves in context.

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<sup>7</sup> The phrases highlighted in bold are of the author of this paper.

<sup>8</sup> Report on the visit paid to Navarre by the European Bureau for Lesser Used Languages on March 28, 2003.

## 2. Clarifications

Outside the borders of the Basque land, what Basque means tends to be confusing and to move more among the shadows of that which is enigmatic and mythical than of that which is real. If to this we add the Basque virtual reality generated by the media at the service of Spanish nationalism, the path to manipulation is open.<sup>9</sup>

Euskal Herria, the land of the Basque language, embraces that which is known as the Basque Autonomous Community and the Foral Community of Navarre in Spain, as well as the provinces of Lapurdi, Zuberoa and Lower Navarre in France. The assimilation that from Spanish nationalism is done of Euskal Herria with the Basque people and of the latter with the Basque Autonomous Community is erroneous and politically biased. Basque people means much more than the Basque Autonomous Community. The assimilation of both concepts breaks the principle of scientific truth and opens the door to political interest and ideological need. To claim that the autonomous planning that appeared in the SC (Spanish Constitution) of 1978 includes the borders of the peoples-nationalities according to the Constitution –that are included in Spain— is a political sham and a culturally poor one.

Basque and the Basque people came into History with the arrival of the Romans in the Peninsula. However, our cultural and political reality finds its roots in Prehistory. As Barandiaran reminds us, *in the Polished Stone Age, Basque was spoken in the Western Pyrenees*.<sup>10</sup>

*Euskara*, the name with which we, the Basque people, call our language, has been known throughout history in many different ways: Vizcaya's language (*engua vizcaína*), Cantabrian language (*engua cántabra*), **Lingua Navarrorun**, language of the people of Navarre, Basque (*Vascuence*),

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<sup>9</sup> Reference virtual Euskadi.

<sup>10</sup> BARANDIARAN, J.M., *El Hombre Primitivo del País Vasco*. FUNDACIÓN J.M. BARANDIARAN.

etc. All these variants to define one unique idea, the language spoken by the Basque people.

Navarre as a political and administrative concept appeared in official historiography in the twelfth century. Until that moment, *Navarro* (inhabitant of Navarre) referred to any member of the Basque-speaking community that lived on the southern side of the Pyrenees, Navarre was any southern *Euskaldun* (speaker of Basque),<sup>11</sup> *Alaveses* (inhabitants of Álava) and *Vizcaínos* (inhabitants of Vicaya)<sup>12</sup> included. In this way, through history, Navarre has embraced a larger political concept than today's Foral Community, the antecedents of which are to be found in the Basque Country (*Vasconia*). The Kingdom of Navarre during the Middle Ages was the state of the Basque people in Europe.<sup>13</sup>

Today's political and administrative division of Basque territories finds its origins in the different processes of conquest that the Kingdom of Navarre underwent during its history, until its being finally reduced to just another administrative division of the state (France and/or Spain).<sup>14</sup>

As we have seen, the word *Navarra / navarro* (Navarre / inhabitant of Navarre) is very narrowly linked to the Basque language. In its origins, *Navarro* had first linguistic content (*Euskaldun*) prior to a political one.<sup>15</sup> In several sections of the General Fuero of Navarre (*Fuero General de Navarra*), as well as in other documents dating back from the eleventh to the thirteenth

<sup>11</sup> *Euskaldun* is the word with which Basque-speakers are called in Euskara.

<sup>12</sup> JIMENO JURIO, J.M., NAVARRA, *Historia del Euskara*, TXALAPARTA, Tafalla, 1997, p. 48.

<sup>13</sup> With regard to the identification of the Kingdom of Navarre as the Basque State in Europe, see:

1. URZAINQUI MINA, T., *Recuperación del Estado Propio*, NABARRALDE, 2002.
2. URZAINQUI MINA, T., *La Navarra Marítima*, PAMIELA, 1999.
3. SORAUREN, M., *Historia de Navarra el Estado Vasco*. PAMIELA, 1999.
4. ORTUETA AZKUENAGA, A., *Nabarra, Estado político de Vasconia*. PAMIELA. NABARRALDE, 2002.

<sup>14</sup> URZAINQUI MINA, T., *Recuperación del Estado Propio*, NABARRALDE, 2002, p. 7.

<sup>15</sup> JIMENO JURIO, J.M., NAVARRA, *Historia del Euskara*, TXALAPARTA, Tafalla, 1997, p. 63.

centuries, as it happens with *Navarro*, *bascongado* was the person who spoke Basque.<sup>16</sup>

During the Middle Ages and even later, it is an unquestionable fact that Basque was the language of spoken communication between the natural speakers of a large part of the Kingdom of Navarre.<sup>17</sup> In this regard, Navarre is the documental centre of the Basque people and its archives provide priceless linguistic information.<sup>18</sup>

The passage to the Modern Era was heartbreaking for this Kingdom, both in the territorial and institutional and the social spheres. As the modern nation-state started to babble, Navarre was stormed by the army of the Duke of Alba who divided it into two areas, Upper Navarre, subordinated to the Kingdom of Castile, and Lower Navarre that was to maintain its independence, not without difficulties, for some years more.<sup>19</sup> In this part of the territory, Lower Navarre, our institutions maintained their power when the jump to the modern state was attempted. During this period, the first translations of books into Basque were carried out being commissioned by Queen Juana III of Albret and the first steps towards a local educational system were made: the first *ikastolas*. To sum up, this was an attempt of the inhabitants of Navarre to build a modern state such as that of their European neighbours, with its own national educational system and its national language, in this case, Basque. Unfortunately, the international context and, especially, the war of religions between Catholics and Protestants, together with Navarre's weakness, put an end to this project.

Meanwhile, Upper Navarre started in 1512 a journey that transformed it from a kingdom to a province. Since the conquest of Upper Navarre, Basque collided head on with the building of the Spanish nation-state,

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<sup>16</sup> JIMENO JURIO, J.M., *Capítulos de la historia del euskara. La voz euskara ¿invento moderno?*, PAMIELA, Euskara Kultur Elkargoa, 2004, p. 32.

<sup>17</sup> JIMENO JURIO, J.M, NAVARRA, *Historia del Euskara*, TXALAPARTA, Tafalla, 1997, p. 64.

<sup>18</sup> JIMENO JURIO, J.M., NAVARRA, *Historia del Euskara*, TXALAPARTA, Tafalla, 1997, p. 10.

<sup>19</sup> After the conquest of the upper area of Navarra (today, Spain) by the Duke of Alba in 1512 by order of Ferdinand the Catholic, the Kingdom of Navarre survived as an independent political entity in Lower Navarre (today, France) until 1620.

its national educational system, its national language, its army, its single administration, etc. From this moment on, a process of marginalisation of Basque started, which underwent a bloody acceleration after the First Carlist War. With the armistice, the *Diputación* (regional government) of Navarre negotiated with Madrid the “adjustment” of the *fueros* of Navarre to Spanish constitutional unity. Through the Law Paccionada (or Agreement of Law) of 1841, Navarre lost its status of “associated” to the Crown of Castile to become just another province of Spain. For the first time, the inhabitants of Navarre had to serve in the Spanish Army, the borders were moved from the Ebro to the Pyrenees, the courts of justice of Navarre were subject to the Spanish judicial system, etc. To sum up, by means of this law, Navarre was absorbed as just another Spanish province and lost its own political personality.<sup>20</sup>

The linguistic policy of the Bourbons, plus that of the dictatorships, has been Spanish monolingualism. Over more than three centuries, generation after generation, Basque was forbidden, children were abused if they spoke it in school, its printing was refused, educational projects were made illegal and were closed, etc. Just as a sample, we present here the following examples:

? A usual practice in schools in Navarre was the ring (*anillo*), which is still in the minds of our elders, for this practice survived until well into the twentieth century. In 1789, Joseph Ruiz de la Torre, *sindic personer* (kind of local ombudsman) of the Community of Palma, described it as follows: *...And the peculiar language of the Country, that is Basque, is so much forbidden that there is a ring that goes from hand to hand among those that neglect this aspect, so that the young person that has it during the weekend receives his/her determined punishment.*<sup>21</sup>

? 1880. Hermilio de Olóriz, in his book *La Cuestión Foral*, points out the following: *When speaking about such an important issue as*

<sup>20</sup> To consult this law:

<http://www.navarra.es/NR/rdonlyres/enhwvoh4k5pdngrvfvqqxh6mvj2rimudji3p5v4wmxta4i2gfn6s54d2x5owtszr5zgxapokphwgjc/LeyPaccionada.pdf>

<sup>21</sup> TORREALDAI, J.M., *El libro negro del Euskara*, TTARTALO, San Sebastián, 1998, p. 18.

*primary education, we have no other choice but to lament, and very bitterly so, the unjustified and antipatriotic persecution that for many years Basque has been undergoing, this beautiful language of our race that in an obvious way makes the antiquity and independence of our people public. No teacher from Navarre who loves the traditions of his country and knows the importance of such a perfect language should put into practice the unspeakable habit of the ring. This is advised by very powerful moral and patriotic reasons; but outside any consideration, who are the teachers of first letters to dare to impose on children, outside the classrooms, the use of a specific language? According to which law, which right, do they forbid them the language of their parents? Who has empowered them to corner as if it were a wild beast this language that our distinguished King Don Sancho rightly called the language of the inhabitants of Navarre? The persecution of "Euskaro" -this venerable language- by the teachers, that is to say, by the people in charge of enlightening the intelligence of children, is, in addition to being a hateful and barbarous tyranny, an eloquent proof of ignorance and expresses a very poor intellectual level.*

? In 1901, a circular of the Civil Governor of Navarre communicated to the teachers of the northern area that he had learned of the use of the *native language* in some subject matters and that he reminded them that it was forbidden.<sup>22</sup>

? 1900. The City Council of Ituren communicated to the new teacher that *in imitation of your predecessors, you should fully forget about Basque, that you seem to allow, not admitting that either the pupils or you in your explanations use in school any language other than Castilian, that you know very well, and that is the only one that suits us and is ordered by the law in force.*<sup>23</sup>

? 1917. The newspaper *La Tradición Navarra* protested because the system of the ring was still practiced in some schools in the mountains to punish the children who spoke Basque.<sup>24</sup>

<sup>22</sup> TORREALDAI, J.M., *op. cit.*, pp. 45-46.

<sup>23</sup> URMETA PURROY, B., *Navarra ante el Vascuence. Actitud y Actuaciones (1876-1919)*. Government of Navarre, 1997, p. 294.

<sup>24</sup> *La Tradición Navarra*, 1/06/1917. Nr. 10315, pp. 1-2.

? 1936. Edict of the military commander of Estella of September 25<sup>th</sup>. *Estella was undermined by separatism (...) in the term of forty-eight hours from the publication of this Edict, all nationalist elements will deliver to the Military Commander's headquarters all the objects or clothes (even formal ones) of a separatist kind, the books, journals, maps and portraits of that person that was called Sabino Arana, as well as the busts or figures of him and other separatists leaders. All the same, the books and objects of any sort of the deceased Basque school will be delivered by those who have them; the documentation, objects, insignia and archives of nationalist associations and, in one word, everything belonging to such associations or related to them (...) All the same, the word "Agur", imported by the separatists instead of the genuinely Spanish "Adiós" is forbidden...*

? 1963. The Civil Governor decrees the closing, before its opening, of the first *ikastola* or educational institution in Basque, "Nuestra Señora de Irantzu", fostered by José Antonio Muguerza. All the media had announced its opening on November 15. It was on a street in Pamplona, Calle de Aoiz, and it had 27 pupils.

? In 1994, the Higher Court of Justice of Navarre qualified as harmful and discriminatory for Castilian speakers the existence of a radio station only in Basque.<sup>25</sup>

### **3. Today's legislative context**

In 1978, the Spanish Constitution was approved and the door was open to the co-official status of the languages that until then had been marginalised by the Spanish national state.<sup>26</sup> In addition to it, the internal

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<sup>25</sup> Sentence 8662/1994 of the Litigious Administrative Jurisdiction (*Sala de lo Contencioso Administrativo*) of the Higher Court of Navarre.

<sup>26</sup>Article 3: 1. Castilian is the official language of the State. All Spanish citizens have the duty to know it and the right to use it.  
2. The other Spanish languages will also be official in the respective autonomous communities according to their statutes.

structure of the state went from a fierce centralism to a system of administrative and power decentralisation through the establishment of autonomous communities.<sup>27</sup>

In Navarre, the parliament elected after the 1979 elections was born with the clear obligation of establishing the bases for the negotiation of the future Improvement of the Fuero (*Amejoramiento del Fuero*) with Madrid.<sup>28</sup>

With regard to Basque language, the bases of the negotiation did not include references to this language, although it was understood that the resolution of the Parliament of November 1980<sup>29</sup> in which the co-official status of Basque with Castilian all over the foral territory was declared was part of these bases in a material way.<sup>30</sup> Nevertheless, in the offices of some ministry in Madrid and in a specific one in Pamplona, something else was decided.<sup>31</sup> On February 24, 1982, the definitive Article 9 of the LORAFNA that regulated Navarre's linguistic issue was made public as follows:

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3. The richness of the different linguistic modalities of Spain is a cultural patrimony that will be the object of special respect and protection.

<sup>27</sup>Article 2: The Constitution is based on the indissoluble unity of the Spanish Nation, common and indivisible mother land of all Spaniards, and recognises and guarantees the right to autonomy of the nationalities and regions that integrate it and the solidarity among them all.

<sup>28</sup> The LORAFNA, Organic Law that establishes the Foral Community of Navarre is the sole statute not approved by the citizens. Although the other autonomous communities of Spain were given their approval by the people, the statute of autonomy of the FCN was negotiated in offices and was approved by the Spanish Congress. Navarre's citizens have never been consulted in this regard.

<sup>29</sup> The resolution made explicit the following: "Castilian and Euskara will be official languages of Navarre. Such a principle is incorporated into the Bases of Foral Reintegration and Improvement of Navarre's Foral Regime (*Bases de Reintegración Foral y Amejoramiento del Régimen Foral de Navarra*), as well as the full power of the Foral Parliament for its regulation by means of a law". RODRÍGUEZ OCHOA, J.M., "Aplicación y desarrollo normativo de la LFV, en 15 años de la Ley del Euskara en Navarra". *Revista Internacional de Estudios Vascos*. Eusko Ikaskuntza, 2001.

<sup>30</sup> MONREAL ZIA, G. "Origen de la Ley del Vasceuce en Navarra, en 15 años de la Ley del Euskara en Navarra". *Revista Internacional de Estudios Vascos*. Eusko Ikaskuntza, 2001.

<sup>31</sup> The spokesman of the UCD in the Parliament of Navarre, that in turn was the party that supported the Government of Navarre, centred his refusal to recognise the official status of Euskera in all the Foral Community as follows: "...It is not appropriate in the sociological context of Navarre in which the percentage of Basque speakers is rather small". *Boletín Oficial del Parlamento*, September 15, 1981.

*Castilian is the official language of Navarre.*

*Basque will also have the status of official language in the Basque-speaking areas of Navarre. A foral law will determine which are these areas, it will regulate the official use of Basque and, within the framework of the general legislation of the state, it will regulate the teaching of this language.*

In Navarre, without any scientific criterion and opposite to what was being done in all the autonomies with regard to their own languages, society was divided and geographical areas with different linguistic rights were established.

Next, we will look at the legal foral framework that regulates the presence of Basque in the different areas of public life. In order to do that we are going to thoroughly analyse the following regulations: the Foral Law on Basque; the Foral Decree 29/03 and the Foral Decree 159/88 that develop the previous law in the field of public administration and the educational system respectively; the statutes of the Public University of Navarre and the regulations of Basque of the City Council of Iruña-Pamplona, for it is the capital of the Community, a city in which more than 40% of the population of Navarre lives and which presents the highest density of Euskaldunes.

### **3.1. Foral Law on Basque**

The Foral Law on Basque<sup>32</sup> is the framework law of linguistic normalisation of the Foral Community of Navarre. Its aims are:

*To protect the right of citizens to know and use Basque and to define the tools to make it effective.*

*To protect the recuperation and development of Basque in Navarre by indicating the measures to foster its use.*

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<sup>32</sup> Foral Law of December 15, 1986 (nr. 18/86, Parliament of Navarre), on the Basque Language. *Boletín Oficial de Navarra*. November 17, 1986.

*To guarantee the use and the teaching of Basque according to the principles of wilfulness, gradualness and respect, according to Navarre's sociolinguistic reality.*<sup>33</sup>

Nevertheless, these aims, about which in principle nothing is to be said, cannot be applied in all the territory of Navarre. The law itself, due to the mandate of Article 9 of the LORAFNA, establishes three different geographical areas<sup>34</sup> in which citizens' rights with regard to the use and teaching of Basque change.

**The Basque-speaking Area.**<sup>35</sup> Geographically speaking, it embraces the North of the Foral Community, the villages of the mountains. In this area, *citizens have the right to use both Basque and Castilian in their relations with public administrations and to be addressed in the official language they choose.*<sup>36</sup> With regard to education, *pupils will be taught in the official language chosen by the person who has the paternal authority or the guardianship of the child, or, where appropriate, the pupil him/herself.*<sup>37</sup> To sum up, we may say that in the Basque-speaking Area, Basque has a legal framework of theoretical official status.

**Mixed Area.**<sup>38</sup> It embraces the geographical half of the foral territory and it includes among its municipalities the capital of Navarre, Iruña-Pamplona, which in turn centralises the services of the autonomous

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<sup>33</sup> Article 1.2 of the FLB 18/86.

<sup>34</sup> Article 5.1 of the FLB 18/86. See map at the end of the paper.

<sup>35</sup> Abaurrea Alta, Abaurrea Baja, Alsasua, Anué, Araiz, Aranaz, Arano, Araquil Arbizu, Areso, Aria, Arive, Arruazu Bacáicoa, Basaburúa Mayor, Baztán Bertizarana, Betelu, Burguete, Ciordia Donamaria, Echalar, Echarri Aranaz Elgorriaga, Erasun, Ergoyena, Erro, Esteribar, Ezcurra, Garayoa, Garralda Goizueta, Huarte Araquil, Imoz, Irañeta, Ituren, Iturmendi, Labayen, Lacunza. Lanz, Larráun, Leiza, Lesaca, Oiz Olazagutia, Orbaiceta, Orbara, Roncesvalles, Saldías, Santesteban, Sumbilla Ulzama, Urdax, Urdiáin, Urroz de Santesteban, Valcarlos, Vera de Bidasoa Villanueva, Yanci, Zubieta and Zugarramurdi.

<sup>36</sup> Article 10.1 of the FLB 18/86.

<sup>37</sup> Article 24.1 of the FLB 18/86.

<sup>38</sup> Abárzuza, Ansoáin, Aoiz, Arce, Atez, Barañáin Burgui, Burlada, Ciriza, Cizur, Echarri Echauri, Egiés, Ezcároz, Esparza, Estella, Ezcabarte, Garde, Goñi, Güesa, Guesálaz, Huarte, Isaba, Iza, Izalzu Jaurrieta, Juslapeña, Lezáun, Lizoáin Ochagavía, Odieta, Oláibar, Olza, Ollo Oronz, Oroz Betelu, Pamplona, Puente la Reina, Roncal, Salinas de Oro, Sarriés, Urzainqui, Uztároz, Vidángoz, Vidaurreta, Villava, Yerri and Zabalza.

administration. It is the area with the highest concentration of inhabitants and also of Basque-speaking people. In this area, *citizens have the right to also use Basque as well as Castilian to address Navarre's public administrations.*<sup>39</sup> Let us observe that the difference with the Basque-speaking Area is found in the fact that, here, there is no right *to be addressed in the official language they choose.* With regard to education, sufficiently important demand must be proven for public administration to be compelled to guarantee in a gradual and progressive way the teaching of Basque.<sup>40</sup>

In this area we find a very complex juridical situation. The regulation of the Mixed Area only by means of two articles, 17 and 25, in addition to a wording with a vague language that may be interpreted in many ways, has put us in a practical situation in which Basque only finds its place in compulsory education and, moreover, not without problems. In turn, public administration only has a testimonial presence.

**The Non Basque-speaking Area.**<sup>41</sup> It corresponds approximately to the southern area in Navarre's map. In this area, citizens have *the right to address Navarre's public administrations in Basque. The latter will be able to request from the people concerned the corresponding translation into Castilian.*<sup>42</sup> With regard to education, *the teaching of Basque will be supported and, where appropriate, fully or partially financed by public powers following criteria to promote and foster it according to the demand.*<sup>43</sup> As we may verify, in this area, the fact of addressing the administration in Basque may be burdensome for the citizen.

Finally, in its Title III, the Foral Law on Basque deals with the presence of Basque in the media. In this regard, it states that *public administrations will promote the progressive presence of Basque in public and*

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<sup>39</sup> Article 17 of the FLB 18/86.

<sup>40</sup> Article 25.1 of the FLB 18/86.

<sup>41</sup> The other municipal townships of the foral territory.

<sup>42</sup> Article 18 of the FLB 18/86.

<sup>43</sup> Article 26 of the FLB 18/86.

*private media. To this end, the Government of Navarre will elaborate plans of economic and material support so that the media may use Basque habitually and progressively.*<sup>44</sup>

### **3.2. Foral Decree 29/03. Public Administrations of Navarre.**<sup>45</sup>

This decree regulates the normal and official use of Basque in Navarre's public administrations. Its fundamental aims are:

*In the Basque-speaking Area, to make the indistinct use of either of both languages as working languages and languages to address citizens possible.*

*In the Mixed Area, to organise and train the necessary staff to make the exercise of citizens' linguistic rights in the area possible.*

*In the central services of the administration of the Foral Community of Navarre, to organise and train the necessary staff so that the user may be addressed in Basque if he/she requests it so.*<sup>46</sup>

Immediately afterwards, the decree starts defining in more detail the rights and duties of the use of Basque with regard to public administration in the different areas.

**Basque-speaking Area.** *Independently of which is the official language used, any administrative action will be valid and will have full juridical efficacy.*<sup>47</sup> In this area, the internal and external communications of the administration, the relations between the administrations as well as the relations with the people administered may occur through texts *written in Castilian, in*

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<sup>44</sup> Article 27 of the FLB 18/86

<sup>45</sup> Known as the "Decree against Euskara" (*Decreto contra el Euskara*), it was approved with the opposition of the agents working in favour of this language in February 2003, maintaining integral the wording and the philosophy of previous Foral Decree 372/00 that was overridden by the courts for it harmed the rights of the Basque speakers. *BON*, nr. 19, February 12, 2003.

<sup>46</sup> Article 1 of FD 29/03.

<sup>47</sup> Article 8.1 of FD 29/03.

*Basque or in a bilingual way.*<sup>48</sup> When the communication is oral, *civil servants may address citizens in any of both official languages chosen by them.*<sup>49</sup>

In addition, with regard to image, notices and publications, they should be bilingual.<sup>50</sup>

**Mixed Area.** *The Navarre's public administrations that offer their services in the Mixed Area will take the appropriate steps towards making the exercise of citizens' rights to address the administration in Basque possible.*<sup>51</sup>

**Non Basque-speaking Area.** In this area, *public administrations will request from the people concerned the simultaneous presentation of the translation into Castilian of the documents that are addressed to them in Basque or they will be able to use the services of official translation to attend the citizens. Any action, printed material, stamp, documentation, notification, information, sign, label, publication and advertising will be written in Castilian.*<sup>52</sup>

**Foral Administration.** *In the central services of the administration of the Foral Community of Navarre with headquarters in Pamplona, the activity of which is addressed to the whole population, an administrative unit of Basque-Castilian official translation will be established, and the complementary measures tending to make the provision of its basic administrative services possible when the user thus requests will be adopted.*<sup>53</sup>

With regard to the material means of this area, *the printed material of internal use and stationery material used by the services of the*

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<sup>48</sup> Articles 8.2 and 10.2 of FD 29/03.

<sup>49</sup> Article 10.3 of FD 29/03.

<sup>50</sup> Article 11 of FD 29/03.

<sup>51</sup> Article 12.2 of FD 29/03.

<sup>52</sup> Article 17 of FD 29/03.

<sup>53</sup> Article 12.3 of FD 29/03.

*administrations, the headings and letterheads will be written in Castilian. If the printing material is for public use, the use of different forms in Castilian and in bilingual form to be chosen by the person concerned will be available.*<sup>54</sup>

The relations with the people administered of the Basque-speaking area *will be in Castilian unless people interested expressly demand the use of Basque, in which case they will be possible in a bilingual form.*<sup>55</sup> With regard to the other areas, communication must be in Castilian.

In turn, with regard to image, *the elements of identification and signposting will have to be written in Castilian. In the provisions, notices, publications, announcements and advertising of any sort, Castilian will have to be used.*<sup>56</sup>

With regard to the regulation that this decree makes of the evaluation of Basque when a person starts to work in public administration, it is the following:

**When it is valued as compulsory/necessary.**

**In the Basque-speaking Area** - *Those who have access to these positions will only be able to participate later in the provision of the vacant positions corresponding to jobs for which the knowledge of Basque is compulsory for their fulfilment.*<sup>57</sup>

**In the Mixed Area** – *Navarre's public administrations with headquarters in the Mixed Area are not at all compelled to qualify the knowledge of Basque as compulsory to access or to provide the jobs included in their personnel, except for those ones devoted to Basque-Castilian translation work.*<sup>58</sup>

**When it is valued as a merit.**

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<sup>54</sup> Article 13 of FD 29/03.

<sup>55</sup> Article 15 of FD 29/03.

<sup>56</sup> Article 16 of FD 29/03.

<sup>57</sup> Article 18 of FD 29/03.

<sup>58</sup> Article 22 of FD 29/03.

**In the Basque-speaking Area**, *the percentage that such an evaluation implies of increase with regard to the scoring that is applied as to the merit of French, English or German knowledge, working languages of the European Community, in no case will it be higher than 10% of it, and the specific quantifying of it will be determined in the corresponding convocation.*<sup>59</sup>

**In the Mixed Area**, this evaluation will never be higher than 5%.<sup>60</sup>

The comparison with other languages of the European Union to which Basque is subject here calls our attention when it is valued as a merit for obtaining a job in the foral administration; this is even more so if we take into account that European citizens do not have the right to address Navarre's public administrations in these languages.<sup>61</sup>

### **3.3. Foral Decree 159/88. Non-university education**<sup>62</sup>

*This foral decree regulates the incorporation and use of Basque in the sphere of non-university education in Navarre, both in public and private institutions.*<sup>63</sup>

To this aim, three different educational models are established:

Model A: Education in Castilian, with Basque as a subject matter. The pupils who are only temporally or not usually living in the area are exempt from it.<sup>64</sup>

Model B: Education in Basque and Castilian.<sup>65</sup>

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<sup>59</sup> Article 21 of FD 29/03.

<sup>60</sup> Article 23 of FD 29/03.

<sup>61</sup> AGIRREAZKUENAGA ZIGORRAGA, I., "Dictamen jurídico sobre la legalidad del Decreto Foral 372/200", *Revista de Administraciones Públicas*. Nr. 59, 2001.

<sup>62</sup> BON of June 1, 1988.

<sup>63</sup> Article 1 of FD 159/88.

<sup>64</sup> Article 5 of FD 159/88.

<sup>65</sup> Article 6 of FD 159/88.

Model D: Education fully in Basque except for the Castilian subject matter.<sup>66</sup>

There are a fourth and a fifth educational model that remain outside the scope of this decree for it does not regulate the incorporation of Basque. Model G fully in Castilian. Model I, of administrative creation, that incorporates English.

By means of the three aforementioned educational models, the Government of Navarre differentiates between the teaching of Basque, model A, and the education in Basque, models B<sup>67</sup> and D. Moreover, these three models are not guaranteed in all the territory of Navarre. The zonification principle that the Socialist Party qualifies as a “differential fact” (*hecho diferencial*) also has its consequences on the citizens’ right to receive education in Basque.

**Basque-speaking Area.** In this area, only the three models chosen by decree can be applied.<sup>68</sup> Theoretically, model G -only Castilian-- cannot be included given the official nature of Basque in this area. Nevertheless, for the pupil who is temporally living in this area there exists the possibility of being exempt from studying in one of these three models and to do it in the G one.

**Mixed Area.** In this area, there exist five educational models. To study in model A, Basque as a subject matter, there must be the parents’ or guardians’ express demand or, if appropriate, the pupils’, to guarantee a minimum number allowing for a school unit to be constituted. Once the administration has received and seen the demand, it gathers reports and evaluates the conditions existing in the educational institution before authorising

<sup>66</sup> Article 6 of FD 159/88.

<sup>67</sup> This is rather from a theoretical point of view for, until today, the inefficiency of model B to obtain enough linguistic competence has been proven.

<sup>68</sup> Article 7 of FD 159/88.

or not the model.<sup>69</sup> For models B and D, the procedure is similar.<sup>70</sup> As a general rule for these three models, when the number of pupils is inferior *to the minimum number established for making up a group or school unit, the educational administration in charge will be able to determine the school in which this training will be taught; to this aim, the pupils concerned will be gathered in it.*<sup>71</sup>

**Non Basque-speaking Area.** To study Basque in this area, only model A can be applied, that is to say, Basque as a subject matter, and always as long as there are the parents' or guardians' demands or, where appropriate, the pupils', *that guarantee a minimum number of pupils allowing to make up a group or school unit.*<sup>72</sup> Models G and I, Castilian and Castilian-English respectively, are also taken in charge by the administration in this area.

### **3.4. Foral Decree 110/03. Public University of Navarre (*Universidad Pública de Navarra*)**

The normalisation of the Basque language in the Public University of Navarre is regulated in Chapter V of its statutes approved on March 7, 2003.<sup>73</sup> According to the university regulations themselves,<sup>74</sup> *Castilian and Basque are Navarre's own languages and, consequently, all the members of the Public University of Navarre have the right to know and use both languages.*<sup>75</sup> This right is made specific by the fact that all the members of the university have the right to:<sup>76</sup>

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<sup>69</sup> Article 9 of FD 159/88.

<sup>70</sup> Article 10 of FD 159/88.

<sup>71</sup> Article 11 of FD 159/88.

<sup>72</sup> Article 14 of FD 159/88.

<sup>73</sup> Foral Decree 110/2003, of May 12, in which the Statutes of the Public University of Navarre are approved. *BON*, nr. 63 19/05/03.

<sup>74</sup> Article 27.10 of the Spanish Constitution recognises university autonomy. This means, as it is expressed in the Organic Law on Universities, Organic Law 6/2001 of December 21, *BOE* of December 24, 2001, that the university has powers to elaborate its statutes, as well as the other internal regulations. That is to say, the university has self regulatory powers .

<sup>75</sup> Article 118 of FD 110/03.

<sup>76</sup> Article 119 of FD 110/03.

? *Address government bodies and university administrative services in either of their own two languages.*

? *To express in university meetings in either of their own languages.*

? *To receive and offer training, as well as to carry out surveys, exams or tests in Basque.*

To attain these aims, a Commission of Linguistic Planning must be established that elaborates the proposals of linguistic planning that must be approved by the Government Board.

### **3.5. Ordinance of Basque in the context of the Iruña-Pamplona City Council.**

In Navarra, there are several municipalities that making use of their powers have regulated the presence of Basque within their municipal districts. Due to the limited space I have available in this paper, I am not going to analyse all the municipal ordinances that regulate the presence of Basque. Nevertheless, I cannot conclude this regulatory analysis section without first thoroughly studying the ordinance of Iruña-Pamplona for various reasons: because it is the capital of Navarre's territory, because it is the municipality that has the most Basque-speakers and because its normalisation policy limits the use of Basque.<sup>77</sup>

-In the explanation regarding motives, the Ordinance indicates that its aims are:

-To guarantee the services to the citizens in the language they wish to use.

-To determine the degree of incorporation of Basque into the municipal external image.

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<sup>77</sup> Resolution on the Basque Language in the Foral Community of Navarre. General Assembly of the European Bureau for Lesser Us ed Languages. Helsinki, September 13, 2003.

-To create a commission with the aim to determine the jobs requiring the knowledge of Basque and the most usual administrative procedures in which Basque may be used as a working language.

-To determine the percentage of valuation of Basque in those jobs in which the knowledge of this language is not a requirement.

-To create a commission of minor toponymy and nomenclator of streets and neighbourhoods.

Finally, it deals with the measures to foster Basque.

These aims are made specific by means of the articles of the Ordinance as follows. Citizens have the right to address and be addressed orally or in written form in both languages. *To this aim, the City Council will elaborate and carry out an action plan.*<sup>78</sup> This action plan is made specific in Chapter V of the Ordinance and requires the establishment of a mixed commission –made up of municipal and autonomous experts, Basque experts and political experts–,<sup>79</sup> whose aim is the study of the *municipal spheres in which there exists a greater oral and written relationship with the citizens, the most usual administrative procedures, the definition of the linguistic profiles of the jobs included in the aforementioned fields or procedures and the establishment of an action plan in which the means and the resources to achieve the fulfilment of the aims planned are established.*<sup>80</sup>

Generally speaking, in interadministrative relations, *the documents, notifications and communications that the City Council addresses to other public administrations located in the Basque-speaking Area or in communities in which Basque is also an official language will be written in*

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<sup>78</sup> Articles 5, 6 and 7 of the Regulatory Ordinance on the Use and Fostering of Basque in the Sphere of the City Council of Pamplona.

<sup>79</sup> Article 15 of the Regulatory Ordinance on the Use and Fostering of Basque in the Sphere of the City Council of Pamplona.

<sup>80</sup> Article 14 of the Regulatory Ordinance on the Use and Fostering of Basque in the Sphere of the City Council of Pamplona.

*bilingual form.*<sup>81</sup> *When t addresses other administrations located in any other area, it will also use the bilingual form as long as it is the other administration that has started the relationship in this way.*<sup>82</sup>

With regard to external municipal image, generally speaking, the *City Council of Pamplona will use Castilian and Basque when it addresses citizens.*<sup>83</sup>

To establish and approve the *geographical, toponymic and cartographic assessment, as well as the naming of the neighbourhoods and the names of the city's streets,*<sup>84</sup> *a mixed commission is established.*<sup>85</sup>

Finally, measures to foster Basque are taken to establish grants for studies, cultural activities and support to creation as long as there is an express demand for children's schooling in the Basque language.<sup>86</sup>

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<sup>81</sup> Article 4 of the Regulatory Ordinance on the Use and Fostering of Basque in the Sphere of the City Council of Pamplona.

<sup>82</sup> Article 4 of the Regulatory Ordinance on the Use and Fostering of Basque in the Sphere of the City Council of Pamplona.

<sup>83</sup> Article 8 of the Regulatory Ordinance on the Use and Fostering of Basque in the Sphere of the City Council of Pamplona.

<sup>84</sup> Articles 20 and 21 of the Regulatory Ordinance on the Use and Fostering of Basque in the Sphere of the City Council of Pamplona.

<sup>85</sup> Article 22 of the Regulatory Ordinance on the Use and Fostering of Basque in the Sphere of the City Council of Pamplona.

<sup>86</sup> Articles 23, 24, 25, 26 and 27 of the Regulatory Ordinance on the Use and Fostering of Basque in the Sphere of the City Council of Pamplona.

#### 4. Praxis<sup>87</sup>

In the previous section we have carried out a brief description of the framework regulating the use of Basque in Navarre's territory. In this section we are going to describe a series of situations to verify how this regulatory framework is interpreted and applied in the territory of the Foral Community. We are going to move from theory to practice because in this field we are going to encounter the reality of the right to the use of Basque in Navarre. This way of acting has been denounced on several occasions by the agents working in favour of Basque, by Spanish courts and by European organisations.

Before we begin to deal with this subject and as a chronological reference, I must indicate that, with regard to linguistic policy, there is a day before and a day after the beginning of the twenty-first century. In 1986, the Foral Law on Basque was approved with the rejection of the UPN,<sup>88</sup> and in 1988 FD 159/88 was approved; it incorporates Basque into the educational system by means of educational models A, B and D. Nevertheless, it was not until 1994 that the first foral decree regulating the use of Basque in public administration was approved, a decree that was modified a few months after its approval.

In March 2000, the Oinarriak<sup>89</sup> Platform presented before the Parliament of Navarre 48,000 signatures (10% of Navarre's census), demanding the modification of the Foral Law on Basque so that the co-official status of Basque all over Navarre was recognised. The answer of the UPN was the approval of a new Foral Decree on the use of Basque in the administration, FD 372/00, a decree that since it cut back some already acquired rights was

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<sup>87</sup> In this section I have tried to look for significant examples of political action that seem sufficient to me to understand what is the public context in which Euskaldunes have to live. The list of cases is much longer than the one presented here.

<sup>88</sup> In the Foral Government since 1991.

<sup>89</sup> Oinarriak is a platform that gathers together cultural, social and political organisations, as well as trade unions, mostly with nationalist ideology, that work in favour of Euskara.

jointly contested before the courts by IU, EA, the PNV and Batzarre; it was also jointly rejected by the trade unions ELA, LAB, STEE-EILAS, ESK and EHNE; the Euskara Kultur Elkargoa Foundation; the trade union CCOO; 58 town councils belonging to the three linguistic areas into which Navarre's population is divided and that represent 86,000 individuals; private citizens, etc.<sup>90</sup> The sentence<sup>91</sup> revoked the decree due to defect of form, something that the government took benefit from so that, once the formal defects were solved, it approved a new regulation with an identical content, Foral Decree 29/03. Until now, this last decree has been denounced to the courts.

With the government's approval of FD 372/00 in the year 2000, Navarre's linguistic policy changed 180°. *Although it is true that there is not an ideal linguistic policy because each territory and each society has its peculiar aspects, from Europe we cannot admit that in a process of linguistic development and normalisation steps are taken backwards with the aim to give back its privileged status to the strong language. This cannot be admitted.*<sup>92</sup>

#### 4.1. Public Administration

The right to use Basque when dealing with Navarre's public administrations is an aspect that is treated differently according to the linguistic area in which we are or we live.

**In the Basque-speaking Area.** Although, theoretically, there is the right to address and be attended in Basque, in practice this takes place differently depending on which is the corresponding administration in charge. Generally speaking, the municipalities of this area have created municipal service corporations (*mancomunidades de servicio*) that are in charge of defining the needs to guarantee the right to the use and fostering of Basque. At any rate,

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<sup>90</sup> Information gathered from *Diario de Noticias*, 6/03/01.

<sup>91</sup> Sentence of the Litigious Administrative Jurisdiction of the Higher Court of Justice of Navarre of June 26, 2002, resolving appeal nr. 200/01.

<sup>92</sup> Report on the visit to Navarre of the European Bureau for Lesser Used Languages on March 28, 2003. p. 18.

this has not prevented some cases in which some town councils have ignored the recommendations of these corporations and have lowered the linguistic profiles of some specific jobs.<sup>93</sup> All the same, the salaries of the Basque experts of these corporations, as well as the financing of many activities that they carry out, were shared out among the Foral Government and the municipalities. This year, the representatives of these municipalities have denounced unilateral cutbacks of the Government that force them –if they wish to maintain their jobs and activities-- to increase their economic contribution by more than 25%.<sup>94</sup>

Another example of the Foral Government's action is giving to workers who do not know Basque jobs in which they have to serve the public in the Basque-speaking Area, as it happens in the case of the Head of the Library of Bera denounced by the Corporation of Basque of Bortziriak<sup>95</sup> or the sending of official communications to schools and local administrations exclusively in Castilian.

**In the Mixed Area**, people have the right to address the administration in Basque, but the latter is not compelled to answer in this language. *The right to the use of the language, at least according to the conception of the Law (Foral Law on Basque), does not request in the Mixed Area the right to be answered in Basque.*<sup>96</sup>

And this as long as there is no specific municipal ordinance that regulates the use of Basque; in this case, what this Ordinance regulates must be applied in this specific municipality and with regard to its administration. In Navarre, the municipalities with ordinance are: Iruña-Pamplona, Berriozar, Barañáin, Ansoáin, Burlada, Etxauri, Huarte and Cénde de Olza.

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<sup>93</sup> The Town Council of Lesaka has lowered the linguistic profile established for the positions of comptroller and secretary of the Town Council. This decision has been appealed in the courts by the Euskara Kultur Elkargoa Foundation and Behatokia.

<sup>94</sup> *Gara*, 21/12/2004; *Diario de Noticias*, 23/12/2004.

<sup>95</sup> The claim was not upheld by the courts because they did not accept the legitimacy of the Corporation.

<sup>96</sup> Sentence nr. 1218/2004 of 16/12/2004 of the Litigious Administrative Jurisdiction of the Higher Court of Justice of Navarre.

**In the Non Basque-speaking Area**, people can address the administration in Basque as long as they provide a translation into Castilian.

The treatment that Basque gives to the autonomous administration requires special explanation.

Navarre is a territory of 10,421 square kilometres and half a million inhabitants. Most autonomous services are concentrated in the Mixed Area. In this sense and with regard to the image of the autonomous administration, the latter understands that *the labelling of the buildings of Navarre's public administrations –located in this area- must be written in Castilian.*<sup>97</sup> Thus, the workers of the Hospital of Estella have been forced to ask for the mediation of the Ararteko-Ombudsperson of the People of Navarre (*Ararteko-Defensora del Pueblo de Navarra*) because the Government of Navarre has not written the labelling of the hospital of this town in both languages but only in Castilian.<sup>98</sup> Previously, the Town Council of Estella itself had approved a motion in the same terms that was not contested by the Government either. With the opening of the tunnels of Ezcaba (infrastructure works), the Town Council of Burlada, close to the works, demanded that the labelling of the tunnel be bilingual; the answer was that, according to the legislation in force, Public Works (*Obras Públicas*, Spanish Ministry of Public Works) is compelled to install any board containing information or road signposting in the Mixed Area *only in Castilian.*<sup>99</sup> In turn, in the very same headquarters of the Government of Navarre, identification plaques are only written in Castilian, a situation that has been denounced to the courts<sup>100</sup> and that the Parliament of Navarre itself has urged to change.

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<sup>97</sup> Response of the lawyer of the Government of Navarre to the claim presented by Euskara Kultur Elkargoa demanding the bilingual wording of the plaque of the Government of Navarre. Litigious administrative appeal nr. 254/2004.

<sup>98</sup> Ararteko case, 05/107/S.

<sup>99</sup> *Diario de Navarra*, 30/12/04.

<sup>100</sup> The Euskara Kultur Elkargoa Foundation has appealed against this situation demanding bilingual labelling.

We may find more examples but, with these data, the reader may be able to see how the Government interprets legislation. A significant datum to understand the treatment the Basque language receives in the external image of the public administration: the Director of Linguistic Policy of the Government of Navarre was one of the first people to put the labelling of his own General Direction in exclusive and perfect Castilian after the approval of the decree known as the "Decree against Basque" (*decreto contra el euskara*), FD 372/00, later replaced by its clone, FD 29/03.

With regard to the service to citizens, when faced with the demand of a citizen of the Mixed Area to be attended in Basque, the answer was that *the aspiration of the petitioner must be rejected for it is the petition of a citizen who does not live in the Basque-speaking Area, the sole eventual case in which, when faced with an **express** petition, the administration should positively respond to it in a bilingual way.*<sup>101</sup> Moreover, the trade union LAB has appealed against the Organic Personnel (*Plantilla Orgánica*) of the Government of Navarre 2005 due to the fact that, from the eleven departments in which Navarre's administrations is structured, in eight there is not a single job for which the knowledge of Basque has been valued as a requirement. Only in two departments are there translation services, one in Education and the other in the Presidential Office ascribed to the translation of the *Boletín Oficial de Navarra* (*Official Bulletin of Navarra*). In the Public Health Department, only 53 jobs out of 8,000 require the knowledge of Basque. With regard to the valuation of it as a merit, it is compared to English, French or German. Thus, in the Department of Economy, only in three positions Basque is valued, compared to the 17 in which English or French is valued.<sup>102</sup> In this sense, we have to mention the words of the *Consejero de Interior* (Autonomous Minister of Home Affairs) of the Government of Navarre who appealed against the legislation in force in the administration to defend that, in the last exams-public contests in the Foral Police to sergeant, corporal and sub inspector positions, the knowledge of Basque was ignored and,

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<sup>101</sup> Resolution of the Director of the Service of Assistance and Information to the Taxpayer (*Servicio de Asistencia e Información al Contribuyente*). 18/05/05.

<sup>102</sup> *Gara*, 25/06/05; *Diario de Noticias*, 28/06/2005.

instead, the knowledge of any of the official languages of the European Union (English, French or German) by some of the people participating in the contest was positively scored.<sup>103</sup>

But all this should not seem strange to us since the President of the Government of Navarre points out in a newspaper article<sup>104</sup> that *the solution to social inequalities in terms of language does not necessarily imply an exaggerated valuation of the knowledge of Basque/Basque as a merit or for it to be demanded as a requirement, but that equal opportunities are guaranteed, merit and personal skills are given priority, that the most underprivileged people are supported: that grants are guaranteed (when appropriate) to Basque-speaking people with less income for them to have access to university, even if courses are given in Castilian. (...) The knowledge of the official languages of the EU is not only an advisable tool but a necessary one for the economic and social development of our land. In addition, it will be convenient, and not only convenient, to pay attention to all the languages in Spain, in our case Basque, as another basis of our rich cultural variety.*

One of the arguments most often used by Spanish nationalism to justify the non-valuation of Basque as a requirement to have access to civil service positions is that the administration needs good professionals and not of professionals *that know Basque*. And this is despite the fact that courts had to remind Navarre's administration that the Basque language is a *bonus*. According to the Higher Court of Navarre, *the knowledge of a language cannot be used to limit the access to other jobs because this would amount to a penalty.*<sup>105</sup>

<sup>103</sup> *Diario de Noticias*, 03/03/2005.

<sup>104</sup> SANZ, M., "Política Lingüística", in *Diario de Navarra*, 4/09/03.

<sup>105</sup> 5<sup>th</sup> Ground. Sentence nr. 1218/2004 of 16/12/2004 of the Litigious Administrative Jurisdiction of the Higher Court of Justice of Navarre.

## 4.2. Non-university education

Education in Basque is theoretically guaranteed in the Mixed and Basque-speaking Areas. According to the Government of Navarre, in the Non Basque-speaking Area there is no obligation of satisfying citizens' demand in this regard. Consequently, the parents of this area that wish their children to study in Basque must take them to the *ikastolas*,<sup>106</sup> institutions that in fact are in a juridical limbo because they are considered by the administration "alegal" (*à/egal*) because, according to it, the teaching of Basque has no legal basis in this area.

When we say that in the Basque-speaking Area and in the Mixed one it is theoretically guaranteed, we refer to the fact that, although the law establishes a framework guaranteeing it, the governmental action, due to the fact of being active or passive, hinders the normal development of these models. In Baztan and Sakana, valleys of the Basque-speaking Area, we have detected a greater increase in the exceptional application due to temporary residence of the G model, only Castilian, in immigrant children. In Ansoáin, a municipality of the Mixed Area, as well as in Rochapea, a neighbourhood of Iruña-Pamplona, the children of the D model have to study in barracks,<sup>107</sup> despite the fact that the state school Cardenal Ilundain, of educational model I -English-Castilian-, with empty classrooms, is very close. Faced with the criticisms of the opposition, the *Consejero* (autonomous minister) of Education of the Government of Navarre pointed out that *in Estella, many tourists stay in summer in wonderful bungalows that do not differ much from these modules, modules that in other schools children call 'chalecitos' (small chalets).*<sup>108</sup> Today, the parents of both state schools ascribed to model D have decided not to take their children -a total of 936 pupils- at the beginning of the 2005-06 academic year. The Association of

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<sup>106</sup> The *ikastolas* are cooperatives the aim of which is to provide teaching in Euskara. In the Non Basque-speaking Area there are four alegal schools with a number of pupil amounting approximately to 500: Argia in Tudela, Arangoiti in Lumbier, Ibaialde in Lodosa and Erentzun in Biana.

<sup>107</sup> And this despite the fact that Navarre has a per capita income 4% higher than the European average.

<sup>108</sup> *Diario de Noticias*, 01/06/2005.

Fathers and Mothers (APYMA) has made this decision *when faced with the serious deficiencies of suitable and safe spaces for the pupils and the attitude of the Department of Education, which keeps on not providing any real solution to these problems.*<sup>109</sup> The senate of the school has supported this decision.

To these precarious situations we should add the total lack of public campaigns in favour of the enrolment in Basque. In the last few years, these campaigns have been carried by NGOs out without any economic contribution from the Foral Administration. All the same, it has been attempted to compel schools that teach in Basque to use the books in Basque published by the foral executive itself.<sup>110</sup>

Despite this lack of support from the administration, we should point out that model D has become the most consolidated one in the last few years in Navarre.<sup>111</sup>

Finally, I do not want to conclude this chapter without commenting on the ratios. According to them, the administration opens classrooms according to the social demand. This means that a specific number of pupils demanding an educational model is required for the administration to begin to satisfy this demand. If the ratio of pupils is not fulfilled, the administration is not legally compelled to satisfy the social demand. In the Basque-speaking Area, the minimum number of pupils required is 6; in the Mixed Area and the Non Basque-speaking Area, 15 pupils are required in the rural areas and 20 in the urban areas. These ratios only affect the educational models using Basque, models A, B or D. The educational model G, fully in Castilian, is not affected by these requirements and it is possible to provide educational spaces in this model for just one person.<sup>112</sup>

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<sup>109</sup> *Diario de Noticias*, 06/09/2005.

<sup>110</sup> *El País*, 12/12/00.

<sup>111</sup> *Diario de Noticias*, 16/04/2005; *Gara*, 17/04/2005.

<sup>112</sup> There are cases such as that of the San Juan neighbourhood of Iruña-Pamplona in which despite a demand of 18 pupils no classroom has been set up, or the case of the Rochapea neighbourhood, in which

#### 4.2.1. Ikastolas

Ikastolas are private institutions created on the basis of social initiative; their titularity corresponds to the pupils' fathers and mothers. The most acute problem that these schools have is the situations of a legality of 5 out of the 15 ones that make up the Federation of Ikastolas of Navarre (*Federación Navarra de Ikastolas*), 4 in the Non Basque-speaking Area and 1 in the Basque-speaking Area.<sup>113</sup> The four ones located in the Non Basque-speaking Area are not legalised despite the fact of being –until now— the only way of guaranteeing the right to education in Basque of Navarre's citizens in this area. Thus, the citizens of this area undergo a twofold discrimination compared to the other areas of Navarre because they cannot study in Basque in the state school network, creating an economic filter for those parents that wish to give an education in Basque to their children. Other injustices are:

1. Despite the existence of a legal mandate<sup>114</sup> of financing social initiative schools in 50% of their investments, ikastolas have invested over the last few years more than 45 million euros and the Foral Administration has only paid 10% of the whole amount spent.

2. In 2002, the Parliament of Navarre approved Foral Law 26/2002 of July 2 on measures to improve non-university education. In this law and by parliamentary mandate, a unique transitory provision (*disposición transitoria*) was developed through which public financing was allowed for alegal ikastolas. Due to two later contradictory provisions while developing this law, in 2003 a new law, Law 21/03, had to be approved. Finally, the parliamentary

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despite a demand of 48 pupils there is only one classroom for 25. Data provided by Sortzen-Ikasbatuaz, a group that gathers all the sectors of state education in Euskara in Navarre.

<sup>113</sup> The Ikastola Labiada of Bera has not been legalised because the Government understands that a problem related to space hinders the adjustment of the physical space of the school to Royal Decree 1004/91 in which the minimum requirements of schools providing non-university education are specified. Since 1995, the school has survived thanks to the aid of the other ikastolas by means of the Federation of Ikastolas of Navarre.

<sup>114</sup> Law on General Budgets of Navarre for fiscal year 1996. 16<sup>th</sup> Additional Provision. Covenant: Foral Order 214/1998.

mandate was developed by means of Resolution 133/2003<sup>115</sup> of August 1 of the General Director of Universities and Linguistic Policy although, according to the principals of the four alegal schools, to have access to the subsidy is more complex than any subsidy petitioned to any other state-supported school (*centro concertado*).

3. With regard to the teachers of Navarre's alegal ikastolas, the experience in these schools when calculating the points to be eventually hired for other jobs, as it happens with the teachers of other private schools, is not recognised for them.

### 4.3. University

Castilian and Basque are the two languages of the Public University of Navarre. To incorporate Basque into the university system, the Government Board, *on proposal of the Commission of Linguistic Planning* (Comisión de Planificación Lingüística), *will approve the planning of academic activities*.<sup>116</sup> Today, the seven members of the Planning Commission, detached from the university rector, as well as the students' representatives, have resigned due to the negative answer of the rector's team to most proposals. In this way, the incorporation of Basque into the Public University takes place according to the following parameters:

? **Teaching.** 24 degrees, out of which only 2 are fully taught in Basque: the special branches of Teacher in Child Education and Primary Education, both of a short cycle of three years. In the other degrees it is possible to teach some subject matters in Basque.

? **Teachers.** There is no specific policy of teacher hiring with linguistic profile in Basque.

? **Administrative and Service Staff.** There is no assignation of linguistic profiles and there are no positions available requiring Basque. When it is valued as a merit, it is according to the same rate as

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<sup>115</sup> Resolution 133/2003. <http://www.cfnavarra.es/bon/039/03903011.htm>

<sup>116</sup> Article 120 of FD 110/03.

Community languages are valued, and sometimes these are valued and Basque is not.

#### **4.4. Media**

Despite having powers to create a public radio and television broadcasting service, until now the Government of Navarre has not exercised them. The foral executive has not favoured the receiving of the EITB, the Basque Radio and Television, either, and the signals have reached the Foral Community thanks to the installation of private receivers.

Until today, the mandate of fostering the presence of Basque in public and private media established by the FLB has only limited itself to some financial aids scarcely efficient that have been cut back in the last few years. Despite this and due to a strong social identification with Basque, several media have been fostered with more or less difficulty from civil society. An example of it may be found in the situation of Euskalerrria Irratia. It is the sole radio station that broadcasts fully in Basque in Navarre's capital and, until now, after more than 15 years broadcasting and having economic viability, it is still in a situation of alegality because it lacks the corresponding administrative concession.

Xaloa Telebista and Tipi-Ttapa Telebista, the only two television stations that fully broadcast in Basque from Navarre and to Navarre, although only in the Basque-speaking Area, gathering an audience of 16,000 listeners per station, may end up in a situation of alegality. With the approval of the Technical National Plan of Local Digital Television (*Plan Técnico Nacional de la Televisión Digital Local*) by means of Royal Decree 439/2004, the Foral Community of Navarre has been conceded five demarcations, all of them located

outside the Basque-speaking Area, leaving Xaloa and Ttipi-Ttapa without any legal cover, without a channel to broadcast.<sup>117</sup>

#### 4.5. The Capital

Iruña-Pamplona concentrates about 40% of Navarre's population. It is the municipality that gathers the most Basque-speaking people. Its Ordinance, previously analysed, aims at guaranteeing bilingual service and image. Nevertheless, after approving it, it has been constantly unfulfilled.

**Linguistic profiles.** The mandate of the City Council of creating a mixed commission to define the linguistic profiles of the jobs in order to guarantee citizens a municipal service in Basque was stopped in the last stage of the procedure. Despite the fact that the commission was constituted, it carried out the study and approved it, the latter was never submitted to the plenary assembly nor taken into account when approving the successive Organic Personnel Charts (*Plantillas Orgánicas*) containing the necessary requirements for the jobs. From over 140 positions that the study foresaw, in 2003 and in order to meet the citizens' right to be attended in Basque, the City Council established the need to know this language as a requirement for the following jobs: two translators, an expert in Basque and an administrative assistant ascribed to the civil service. In 2004, the number increased by two due to a judicial mandate.<sup>118</sup> In spite of that, the Organic Personnel was cancelled out for it did not determine those jobs that, given their greater relationship with the public or due to their internal position with

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<sup>117</sup> In this regard, see "Informe para la zona vascófona de Navarra sobre la nueva regulación de las Televisiones Locales" ("Report for the Basque-speaking Area of Navarre on the New Regulations of Local Television Stations"). Euskara Kultur Elkargoa. January, 2005.

<sup>118</sup> The Euskara Kultur Elkargoa Foundation won a lawsuit in which the need to demand Euskara for the collaborators of the municipal expert in Euskara was recognised.

regard to series of normalised administrative procedures, required the knowledge of Basque.<sup>119</sup>

In 2005, the Governing Body of the City Council has requested Basque for 26 jobs, half of which have been requested by law thanks to the legal actions presented by several NGOs and the other half cannot be fulfilled until the retirement of the persons who occupy them at present.<sup>120</sup>

**Image.** The 1997 Ordinance establishes that the municipal external image must be bilingual. In turn, it establishes the creation of a commission of toponymy in order to establish the names of the streets and the geographical naming of the city. This commission, like the previous one, has not provided any results due to non-public reasons. Nevertheless, faced with the legal action against it presented by a private citizen, courts have requested the City Council to constitute this commission in order to fulfil the Ordinance. Today, the sentence has been appealed against by the City Council in order to avoid its execution.<sup>121</sup>

With regard to the external image: labelling of streets and bureaus, brochures, stamps, logos, etc., a very large number of individual and collective citizens' demands and petitions have been made requesting the fulfilment of the Ordinance. As an example, we should mention that courts have compelled the City Council to label streets,<sup>122</sup> public buildings,<sup>123</sup> public spaces<sup>124</sup> and brochures<sup>125</sup> in both languages.

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<sup>119</sup>Sentence nr. 200 of the Litigious Administrative Court nr. 3 of the Higher Court of Justice of Navarre. 10/10/04.

<sup>120</sup>*Diario de Noticias*, 29/05/05.

<sup>121</sup> Ordinary Proceedings 110/2004. Litigious Administrative Court nr. 3 of the Higher Court of Justice of Navarre.

<sup>122</sup> Resolution nr. 3300 of 18/09/02. Administrative Court of Navarre.

<sup>123</sup> Resolution nr. 46 of 11/01/02. Administrative Court of Navarre.

<sup>124</sup> Resolution nr. 952 of 24/08/04. Administrative Court of Navarre.

<sup>125</sup> Appeal (*Recurso de Alzada*) 204/01. 14/10/02. Litigious Administrative Jurisdiction.

Nevertheless, the law has its limitations and despite the fact that thanks to it the City Council has been compelled to modify its policies, the political majority of the City Council, in the hands of the UPN and CDN, has modified the Ordinance two times in order to adjust the regulations to the political views of the government team. The modifications have eliminated on the one hand the obligation to value Basque in the jobs corresponding to levels A and B<sup>126</sup> and, on the other, they have reinterpreted the concept of bilingualism. Until today, for the City Council of Iruña-Pamplona, the term bilingual implies that the information is provided in both languages although in independent mediums.<sup>127</sup>

At the moment of concluding this paper, we are still waiting for the final approval of the third modification of the Ordinance. It is a modification that tries to eliminate the mandates of establishing mixed commissions so that the decision on the number of workers that require the knowledge of Basque, as well as the toponymic naming of the municipal district of Iruña-Pamplona, stays in the exclusive hands of the local government team, a body that is exclusively political. All the same, with this modification, the different levels of Basque language learning are put on the same level with the level of linguistic competence required to carry out all the tasks related with a specific job. In short, the idea is to guarantee the oral and written attention in Basque with students of Basque. Comparatively, it would be like guaranteeing the right to education to citizens by means of teacher training students.

Finally, let us comment on **children's schools** The City Council of Iruña-Pamplona has the power to create, foster, manage and coordinate children's schools for children of ages lower than those of compulsory education. The municipal Ordinance establishes that *the demands of children's education in Basque guaranteeing as much as possible the rights of parents to freely choose the linguistic model will be met.*<sup>128</sup> However, despite expressly

<sup>126</sup> BON, 02.09.03.

<sup>127</sup> BON, 23.01.2004.

<sup>128</sup> Article 26 of the Regulatory Ordinance on the Use and Fostering of Basque in the Sphere of the City Council of Pamplona.

knowing and by three different ways the social demand for children's schools in Basque,<sup>129</sup> over 60%,<sup>130</sup> the arbitrary municipal answer of the City Council has been the creation of a Castilian-English bilingual school despite the non-existence of any demand in this regard. In August 2005, the media expressed the municipal purpose of creating a new school also Castilian-English despite the social demand for a school in Basque.<sup>131</sup>

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<sup>129</sup> The three different ways are:

1- "Informe Sobre Demandas de Escuelas Infantiles en Iruña-Pamplona". Gregorio Urdaniz, sociologist of the City Council of Iruña-Pamplona. December 17, 2001;

2- Text addressed to the Mayor's Office with register nr. 51087 of November 10, 2003;

3- Petition of mediation of the Ararteko expressed in his/her file nr. 03/269.

<sup>130</sup> "Sondeo Sociológico Realizado en el Periodo de Prematriculación en la Escuelas Infantiles". Justo de La Cueva, sociologist. March 2003.

<sup>131</sup> *Diario de Navarra*, 3/08/05; *Gara* 10/08/05; *Berrria* 10/08/05.

## 5. Conclusions

The continuous accusation of the administrative action related to the policies of Basque, both by local and European agents, the social support that this language receives by means of social initiatives such as Ikastolas, Nafarroa Oinez,<sup>132</sup> Euskarari Zor Zaiona,<sup>133</sup> the development of radio, local TV and media in Basque, the consolidation and growth of educational models in Basque, the negative opinion that citizens have regarding the linguistic policy developed by the Executive<sup>134</sup> are all indicators that very clearly show the great gap existing between social demand and the policies of linguistic normalisation of the Foral Administration. This situation that in principle would force an administration that were respectful with regard to democratic values to have to sit with the people subject to these policies and listen to them is responded in Navarre by the administration with increasingly restricting changes in the regulations in order not to fulfil court decisions or with appeals (*recursos de apelación*) that try to delay the execution of sentences that are contrary to its views.

There exists a Foral Law on Basque that has something positive: it is the first law regulating Basque in Navarre. Nevertheless, the difficulties in the process of its approval have increasingly given political strength to a feeling of minority of Navarre's population. The creation of three areas without any criterion is today the greatest hindrance to fulfil the very same aims of this law:

1. To defend the right of citizens to know and use Basque.
2. To protect the recuperation and development of Basque in Navarre.
3. To guarantee the use and the teaching of Basque according to wilfulness principles.

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<sup>132</sup> <http://www.nafarroakoikastolak.net/oinez05/>

<sup>133</sup> <http://www.euskararizorzaiona.info/>

<sup>134</sup> *Estudio Sociolingüístico sobre el vascuence en Navarra. 2003. Competencia lingüística, uso y actitudes.* Gobierno de Navarra (Government of Navarre). Departamento de Educación (Department of Education).

The fact that the regulation of the Mixed Area is solved in two articles, 17 and 25, does not help in defining citizens' rights. The ambiguity of the definition of this area has made possible for Euskaldunes to suddenly find themselves without the right to the official use of the language in an area that, until today, gathers the largest amount of Basque-speaking population in the whole foral territory. In turn, in the Non Basque-speaking Area, those parents that freely want to educate their children in Basque are in an alegal situation.

A law that allows such frauds in its regulatory development only indicates that it is not fulfilling its aims of defending, protecting and developing rights. A law that allows the political drift of such an important cultural good as a living language makes its revision imperative. That which is white and that which is black, which in the development of the Foral Law on Basque is represented by foral decrees 135/1994 and 372/2000, are the proof that this law is not correctly protecting citizens' rights.

But, why does a government develop a dispositive law (*ley dispositiva*) as if it were restrictive? Why in Navarre, in Europe of the 21<sup>st</sup> century, Basque-speakers with a legally recognised right to use the language traditionally spoken in the territory have to continuously denounce the active violation of this right by the administration? All the same, why does this denunciation come from outside Navarre's borders through the European Bureau for Lesser Used Languages or through particular institutions such as Ararteko or even the courts?

At the beginning of this paper we have seen that in Navarre there exists an identitarian plurality that rotates around two axes, the feeling of belonging or obedience to Spain and the feeling of belonging and obedience to the Basque-Navarre people. The conflict between Spanish nationalism and the so-called peripheral nationalisms has a great tradition in Spanish historiography. The movement of borders, the abolition of the *fueros* (the equivalent of modern constitutions), the elimination of their own institutions, the imposition of teachers who did not know the vernacular languages, the imposition of texts, the prohibition to speak another language

other than Castilian, the wars, etc. are different expressions of the existence within Spain of different peoples with their own laws and languages that at some point have started to collide with the majority nationalism and its building of “Spain, one, great and free” (*“España una, grande y libre”*).

Today’s FCN, as part of Euskal Herria’s territory, directly participates in the conflict existing between Spanish nationalism and Basque nationalism. Unlike the Basque Autonomous Community, the institutional representation of Basque nationalist parties in Navarre is smaller than that of Spanish nationalism<sup>135</sup> and this reflects itself in political action. During the Spanish transition, when the establishment of autonomous communities was being debated, some of Navarre’s representatives of the UCD (Christian-democrats) in the Basque General Council (*Consejo General Vasco*), with Jesús Aizpún as their leader and with the idea of “Navarre, foral and Spanish” (*“Navarra, foral y española”*), started a path –with significant manifestations of police violence such as the prohibition of meeting of Basque municipalities in Navarre on January 16, 1977, or the festivities of San Fermín in 1978-- that led to the approval of the only one statute of autonomy not endorsed by the citizens: the Improvement of the Fuero (*Amejoramiento del Fuero*), a statute that was negotiated in offices and did not obey Parliament’s mandates.

Navarre is the territory of Euskal Herria in which today Spanish nationalism is predominant on an institutional level. This circumstance is not trivial when implementing policies such as linguistic normalisation ones. Assertions such as those of the UPN according to which **we should not speak about linguistic normalisation as long as democratic normality is not fully attained (2004)** or those of the PSN asserting that **Navarre has partial or zonal bilingualism among its “differential facts”** account very clearly for the political use presently done of Basque’s normalisation.

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<sup>135</sup> In total, the PSN and UPN amount to 62% of the representation in the Parliament of Navarre, having together 34 deputies and absolute majority being 25.

The situation of Navarre as the weakest link in Spain's Basque territory make it become a land for political experimentation by Spanish nationalism against Basque identity elements, although data prove that adhesion to Basque is not equal to Basque nationalist voter. Nevertheless, the facts are very clear: the cutback of the rights in the use of Basque; the prohibitions and penalties for showing the *ikurriña* (Basque national flag) through the Law on Navarre's symbols; the attempts to impose academic texts in Basque, as well as the longing for eliminating the 4<sup>th</sup> Transitory Disposition of the Spanish Constitution<sup>136</sup> prove the obsession of Spanish nationalism with regard to Basque in Navarre.

In the field of linguistic normalisation, the drift to which Basque is subject since it is not recognised as patrimony of all Navarre's citizens, whether they are Basque-speakers or not, makes political abuse from Spanish nationalism possible. As long as this reality does not change and Basque's natural space is not recognised, abuse and discrimination will be possible. The rethinking of zonification is necessary and the specific position of Iruña-Pamplona must also be protected. The concentration of the central services of the foral administration in the capital, as well as the higher density of Euskaldunes in this region, makes it compulsory to respond to the territorial reality as a whole, guaranteeing the official use of both languages. The fulfilment of the resolution approved by the Parliament of Navarre in November 1980 is indispensable to correctly guide a linguistic policy that wishes to recuperate and develop Basque from its very roots. Linguistic zonification -these internal borders- have blocked, block today and will block in the future flexible policies giving way to the evolution of the social demand regarding the learning and use of Basque within the Foral Community of Navarre. To continue delimiting by zones the right to officially use Basque is a political decision that has nothing to do with social reality and even less with

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<sup>136</sup> 1. In the case of Navarre and with the object of its incorporation into the General Basque Council (*Consejo General Vasco*) or into the Basque autonomous regime that replaces it, instead of what is established in Article 143 of the Constitution, the initiative corresponds to the competent foral body, which will adopt its decision by majority of the members that make it up. In addition, for the validity of such an initiative, it will be necessary that the decision of the competent Foral Body is ratified by referendum expressly convoked to this effect and approved by the majority of the valid votes issued.

2. In case the initiative did not thrive, it will only be possible to repeat it in a different period of the mandate of the competent foral body, and, in any case, when the minimum period of time established in Article 143 has elapsed.

the principles established in the FLB and the SC. To continue hiding this reality and not freeing it is only going to make divisions worse. To obstruct the possibility for Navarre's citizens to recuperate and use the Lingua Navarrorum is not a future policy, for Basque and Basque culture are a living, specific and natural reality of Navarre as a whole.

***Sancho the Wise called Basque the Lingua Navarrorum by paying tribute to truth so that the passage of time could never darken it. And language of Navarre's population it was, and as the genuine language of Navarre's people it must always be considered the language that gave its glorious name to this Kingdom, and from the Pyrenees to the Ebro, that of most towns and villages.*** Foral and Provincial Diputación of Navarre. January 11, 1896.

## 6. Epilogue

Right after having finished the present article, the Council of Europe issued the first report about the application of the European Charter for Regional or Minority Languages<sup>137</sup> in Spain . With regard to The Foral Community of Navarre, the report is very critical. The executive government of the FCN does not commit to standards in 42 out of the 57 obligations examined. But there is even more: the report deals at one point with the linguistic “zonification” of Navarre, and concludes that the Mixed Area must be put on the same level as that of the Basque-speaking Area. That is the will of all the ministers of foreign affairs of the 46 member states of the Council of Europe, who also advise the Spanish state to implement six recommendations, two of them to be applied in Navarre: to put the Mixed Area on the same legal level as that of the Basque-speaking Area and to introduce the use of the Basque language in public and private-owned media.

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[http://www.coe.int/T/E/Legal\\_Affairs/Local\\_and\\_regional\\_Democracy/Regional\\_or\\_Minority\\_languages/2\\_Monitoring/2.3\\_Committee\\_of\\_Experts\\_Reports/Spain\\_1st\\_report.pdf](http://www.coe.int/T/E/Legal_Affairs/Local_and_regional_Democracy/Regional_or_Minority_languages/2_Monitoring/2.3_Committee_of_Experts_Reports/Spain_1st_report.pdf)

The Committee of Experts reminded the foral authorities that the Basque language is a present reality which is alive; its protection and promotion framework must be considered in reference to the socioeconomic context where it is used, and be adapted and planned in accordance<sup>138</sup>. Thus, the Council rejects the discrimination of the rights of the citizens of the Mixed Area by the authorities of Navarre, which apply in a very particular manner the Foral Law on Basque. The report also admits that the support shown by the population of the Mixed Area to the Basque language must be taken into account when implementing language policies.

It is also worth a mention the Council's surprise at the lack of relationship between the Basque Autonomous Community and the Foral Community of Navarre, at least in language matters, being as they are both Basque language lands. The Committee of Experts, therefore, encourages the authorities to strengthen the links of cooperation between the Basque Country and Navarre in the fields provided in the Charter<sup>139</sup>.

Finally, I cannot but mention the following quotation:  
*the Committee of Experts must express special concern with regard to the Basque language. During the "on-the-spot" visit, it received complaints that the promoters of the language can suffer from stigmatization, being accused of supporting terrorism by their commitment to the Basque language and culture. In the view of the Committee of Experts, efforts are needed in both Basque Country and Navarre with a view to giving full legitimacy, both in the Spanish society and within the two autonomous communities concerned, to the protection and promotion of the Basque language when this is clearly independent from any form of political violence or terrorism, which remain of course unacceptable.*<sup>140</sup>

Iruña-Pamplona. September 17th, 2005

Iulen Urbiola Loiarte

Degree in Law

Director of the Euskara Kultur Elkargoa Foundation

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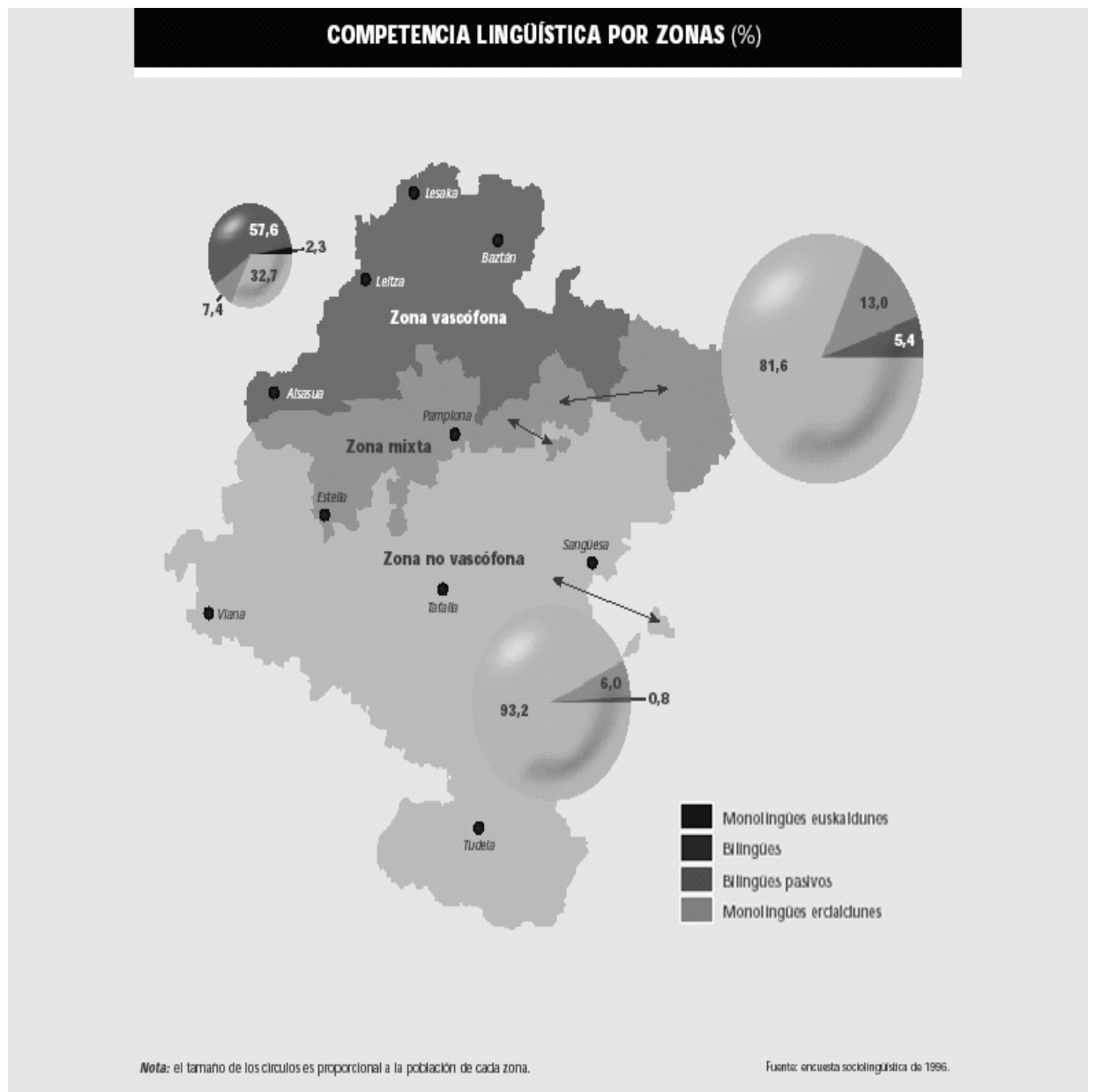
<sup>138</sup> Article 70 of the report.

<sup>139</sup> Article 135 of the report.

<sup>140</sup> Article 188 of the report.

MAP

Linguistic competence by areas (%)



**(TEXT MAP)**

**Basque-speaking Area**

**Mixed Area**

**Non Basque-speaking Area**

**Monolingual Euskaldunes**

**Bilingual**

**Passive bilingual**

**Monolingual Euskaldunes**

Note: The size of the circles is proportional to the population of each area.

Source: *1996 Sociolinguistic Survey*.

## ACRONYMS

|            |   |
|------------|---|
| LORAFNA    | Organic Law 13/1982, of August 10, on the Reintegration and Improvement of Navarre's Foral Regime ( <i>Ley Orgánica de Reintegración y Amejoramiento del Régimen Foral de Navarra</i> ) |
| EBLUL      | European Bureau for Lesser Used Languages   |
| CFN        | <i>Comunidad Foral de Navarra</i> (Foral Community of Navarre)  |
| PNV        | <i>Partido Nacionalista Vasco</i> (Basque Nationalist Party)  |
| EA         | <i>Eusko Alkartasuna</i>  |
| CDN        | <i>Convergencia de Demócratas de Navarra</i> (Convergence of Navarre's Democrats)   |
| UPN        | <i>Unión del Pueblo Navarro</i> (Union of Navarre People)   |
| PSN        | <i>Partido Socialista de Navarra</i> (Socialist Party of Navarre)   |
| ETA        | <i>Euskadi Ta Askatasuna</i>  |
| PP         | <i>Partido Popular</i> (Popular Party)  |
| LFV        | <i>Ley Foral del Vascuence</i> (Foral Law on Basque)  |
| DF         | <i>Decreto Foral</i> (Foral Decree)   |
| IU         | <i>Izquierda Unida</i> (United Left)  |
| ELA        | <i>Eusko Langileen Alkartasuna</i>  |
| LAB        | <i>Langilen Abertzaleen Batzordea</i>   |
| STEE-EILAS | <i>Euskadiko Irakaskuntzako Langileen Sindikatua</i> (Teachers' trade union)  |
| ESK        | <i>Ezker Sindikalaren Koordinakundea</i> (Left wing trade union)  |
| EHNE       | Rural trade union   |
| CCOO       | <i>Comisiones Obreras</i> (Left-wing trade  |

|       |  |
|-------|--|
|       | union)   |
| APYMA | <i>Asociación de Padres y Madres</i><br>(Association of Fathers and Mothers) |