

INTERNATIONAL LANGUAGE RIGHTS NORMS IN THE DISPUTE OVER LATINIZATION REFORM IN THE REPUBLIC OF TATARSTAN

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Abstract

This paper explores the role of international language rights norms in the dispute over script reform in the Republic of Tatarstan, Russia. In the late 1990s, the authorities of Tatarstan initiated reform to change the orthographic base of the Tatar language from a Cyrillic- to a Latin-based script. However, this reform was subsequently banned by a Russian federal law that stipulated the mandatory use of the Cyrillic alphabet for all state languages in Russia. In protesting this decision, Tatar language activists referred to international human and minority rights provisions and used categories of international law to frame their case as a violation of international norms. However, it is not clear whether this case would really qualify as a violation of international norms and whether international instruments would have the power to overturn this state decision. Rather than being practically applicable, international language rights norms have shaped the strategies minorities employ in advocating their rights and contesting state decisions.

Keywords: *minority rights, language politics, international law, state-minority relations, Republic of Tatarstan*

Introduction

International language rights norms are acquiring growing significance in minorities' strategies for the preservation of their languages and cultures. These minorities' aspirations often seem to be supported by the international community, which in recent years has actively promoted the values of cultural and linguistic diversity on the global level. The question arises, however, whether current international language rights provisions can effectively respond to and support the efforts of minorities in protecting and preserving their languages. This paper examines the role of international language rights norms in the dispute over the change of the orthographic base of the Tatar language from a Cyrillic- to a Latin-based script that was initiated in the Republic of Tatarstan in the late 1990s and the early 2000s. The discussion of this topic will begin with an outline of the position of language rights in contemporary international law. I will then present the Tatar Latinization case and continue with an analysis of the role of international instruments in this issue. Finally, I will look at how existing international language rights provisions handle the Latin script issue.

Minority Language Rights in International Law

The question of minority language rights has to date received little attention in international law.¹

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¹ Robert Dunbar, "Minority Language Rights in International Law," *International and Comparative Law Quarterly*, vol. 50 (2001): 90.

However, the situation has been changing, and in recent years the international community has shown a growing interest in minority-language issues. This can be explained by several reasons. One reason is that minority rights are regarded by the international community as an important factor in regional security and inter-ethnic peace, particularly in countries of the former Soviet Union. Regional security organizations, such as the OSCE, consider issues related to national minorities, among them language rights, part of their mandate.² The second reason for increased attention to minority language rights is the international community's concern with the preservation of the world's cultural and linguistic diversity, which is threatened by the processes associated with globalization.

In spite of these substantial reasons to take language rights seriously, international legal instruments on language rights remain among the weakest that international law has at its disposal. International human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR), provide for “negative rights” that are limited to non-discrimination and linguistic tolerance. This is evident in Article 27 of the ICCPR, which merely prohibits States from preventing individuals belonging to minority cultural groups from using their own language:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”³

The ECHR prohibits discrimination on the basis of language or association with a national minority (Article 14) and enshrines the right to be informed in one's own language in courts or while under arrest if an individual does not understand the official language (Articles 5 & 6). Only international human rights documents, such as the ICCPR and ECHR, have legally binding effects and can be enforced through individual petition. They can be effectively used by minorities faced with repressive and openly assimilationist policies of the State.⁴ However, often minorities' demands go far beyond mere non-discrimination and state tolerance of their languages. The greatest threats to minority languages today result from the more subtle processes and policies of the State vis-à-vis minority cultures and identities – as well as from large-scale factors such as globalization and the spread of English – rather than direct discrimination. That is why policies promoting and supporting the use of minority languages in the public sphere are the key issues minorities are advocating today.

European documents specifically devoted to minority rights, such as the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML), have gone somewhat further in establishing a regime of linguistic promotion that encompasses certain “positive rights” – rights to enjoy public services, education, and media in minority languages.⁵ The right to have public authorities use a minority language where reasonably justified is also referred to in an increasingly large number of resolutions, declarations, and other documents from the Council of Europe, the European Union, the Organization for Security and Co-

² Fernand de Varennes, “The Linguistic Rights of Minorities in Europe,” in *Minority Rights in Europe: European Minorities and Languages*, ed. Snezana Trifunovska (The Hague: T.M.C. Asser Press, 2001), 244. See, for example, *Document of the Copenhagen Meeting of the Conference on the Human Dimensions of the CSCE* (the “Copenhagen Declaration”).

³ International Covenant on Civil and Political Rights (ICCPR), part III, Article 27.

⁴ Dunbar, 2001.

⁵ Ibid.

operation in Europe, and the United Nations.⁶ However, according to some observers, these norms are essentially updated versions of the old “right to enjoy one’s culture” approach.⁷ Even if some of the articles of the FCNM contain certain positive rights and obligations for States to provide for education or public services in minority languages, these obligations are subject to various conditions, such as a “sufficient level of demand,” a “demonstrated real need,” and “administrative and financial resources of the states,” creating a situation that allows States to avoid taking necessary measures, and limits effective implementation of these regulations. Furthermore, although the FCNM does create binding international obligations, its provisions are not enforceable through individual petition, but are only subject to a system of state-reporting and national enforcement.⁸

The European Charter for Regional or Minority Languages adopted in 1992 by the Council of Europe is the first international document solely devoted to regional or national minority languages in Europe, specifically advocating their preservation and promotion. However, rather than granting language rights to minority groups or persons belonging to minority groups, this document outlines certain principles on which States should base their policies vis-à-vis languages and sets up measures necessary for the implementation of these principles.⁹

General principles upon which States should base their legislative instruments and concrete policies vis-à-vis regional or minority languages are contained in Part II of the ECRML. Part III encompasses concrete actions aimed at protecting and promoting minority languages in various public spheres, such as education, mass media, and public services. However, it is up to the State to decide which provisions of Part III apply to which minority or regional language in accordance with the “situation of each language.”¹⁰ Most importantly, there is no direct enforcement mechanism in the articles; instead, there is a procedure of monitoring which the Committee of Ministers of the Council of Europe uses to make recommendations on how to bring state legislation and policies in line with the obligations stipulated under the Charter. Concerning the violation of the articles of the Charter, only “bodies and associations” legally established in the country – not individuals – can submit information to the European Charter’s Advisory Committee on such violations. As observers admit, individuals should consider the information mechanism under the European Charter as part of a long-term “lobbying and education” effort to get governments to improve their respect for and protection of minority rights, not as a mechanism of direct enforcement of language rights.¹¹

In this context, and as other observers recognize, language rights have not yet been given the status of fundamental rights under international law.¹² Many of the most useful measures of positive support have not attained the status of binding international legal principles. Those regulations that have internationally binding effects and pertain to human rights are limited to non-discrimination and to the individual right to use one’s language.

Though international standards concerning language rights cannot provide minorities with sufficient guarantees in protecting their languages and cultures, they still influence the way minorities

⁶ Fernand de Varennes, “A Guide to the Rights of Minorities and Languages,” COLPI paper, no. 4 (Budapest: OSI, 2001), 28.

⁷ Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (New York: Oxford University Press, 2007).

⁸ Dunbar, 2001.

⁹ Eduardo Vieyetz, “Minority Languages of the Russian Federation: Perspectives for Ratification of the European Charter of Regional and Minority Languages,” *Mercator Working papers*, no. 6 (2002).

¹⁰ European Charter for Regional or Minority Languages (ECRML), Part III, articles 8, 9, 10.

¹¹ de Varennes, 2001.

¹² Dunbar, 2001.

advance their claims and fight for their cause. In the following sections, I will present the case of the dispute between a State and a minority, which is related to the use of a script where the role of international norms has played out in different ways.

Alphabet Reform of the Tatar Language and Russian Federal Law on Cyrillic Script

This section examines how international instruments were involved in a dispute over the switch of the Tatar language from a Cyrillic- to a Latin-based script – the so-called Latinization reform – in the Republic of Tatarstan during the late 1990s and the early 2000s. Tatarstan is a federal unit within the Russian Federation and the homeland of the largest ethnic minority in Russia – the Tatars, a Turkic-speaking people who traditionally practice Sunni Islam. They claim a history of statehood that dates back to the medieval states of Volga Bulgaria and the Golden Horde and a rich tradition of political activism within the Russian state, of which they became a part in the middle of the sixteenth century. Tatars constitute about 53 percent of Tatarstan’s population, while Russians make up about 40 percent, and various other ethnic minorities account for the rest.¹³ While Tatarstan is regarded as the center of Tatar culture and political life, the majority of Tatars (about 70 percent) live outside Tatarstan, especially in the neighboring republics and oblasts of the Volga-Ural region, Siberia, as well as in the cities of Moscow and St. Petersburg.

Since the 1990s, Tatarstan has pursued autonomous language policies intended to revitalize the Tatar language and bring it to equal standing with Russian. One of the measures envisioned by the government of Tatarstan in this direction was the script reform in which the Cyrillic script imposed by the Soviet regime in 1939 was changed to a Latin-based alphabet, considered as more appropriate for the Tatar language. The Latin script (a specially developed version called *Yanalif*) was already used for the Tatar language between 1927 and 1939, while prior to 1927 the Arabic script was used. In 1999, the State Council of Tatarstan adopted a law titled *On the Restoration of the Tatar Language Based on the Latin Alphabet*.¹⁴ This document envisioned the switch to the Latin alphabet by the year 2011; by 2000, preparatory measures for this change were begun in Tatarstan.

Though the main argument of the proponents of the Latin script was based on a linguistic reasoning that the Cyrillic alphabet is not suitable for the Tatar phonetic system, the envisioned orthographic reform had clear political underpinnings. Tatarstan, which in the late 1980s and early 1990s experienced a revival of nationalist sentiments and demanded full union status¹⁵ within the Soviet federal hierarchy, clearly demonstrated its political ambitions with the adoption of the 1990 *Declaration on the State Sovereignty of the Tatar Soviet Socialist Republic*, as well as with a subsequent referendum in 1992 on the status of the republic. It was clarified by the president of Tatarstan Mintimer Shaimiev, however, that the referendum was not about secession from Russia and was not intended to change the territorial integrity of the Russian Soviet Federative Socialist Republic.¹⁶ A majority of the republic’s population – 61,4% voted in favor of Tatarstan being “a sovereign state, subject to international law.”¹⁷ A federal treaty signed with Moscow in 1994 acknowledged Tatarstan as a State united with the Russian Federation. The treaty contained a list of

¹³ 2002 Russian population census data.

¹⁴ *Zakon Respubliki Tatarstan “O vosstanovlenii tatarskogo yazyka na osnove latinskoj grafiki”* (September 15, 1999).

¹⁵ That is, the same status bestowed upon the Baltic republics, Ukraine, Belarus, etc.

¹⁶ Damir Iskhakov, “Politicheskoe razvitiye Tatarstana posle prin’atiya Konstitucii (1992-1994)” [Political development of Tatarstan after the adoption of Constitution (1992-1994)], in *Suverenitet i etnicheskoe samosoznanie* (Moscow, 1995).

¹⁷ “Rezultaty referendumy Respubliki Tatarstan ot 21 marta 1992 goda” [Outcomes of the referendum of March 21, 1992 in the Republic of Tatarstan], *Panorama-Forum*, no. 8 (1996).

arrangements giving Tatarstan autonomy in economic, fiscal, and other spheres, including the right to enter into bilateral treaties with governments of foreign states. Diplomatic relations with foreign countries or international organizations have become an important part of Tatarstan's sovereignty project. Tatarstan has initiated contacts with several international organizations, most notably with the UN and UNESCO; the UNPO (Unrepresented Peoples Organization); various pan-European organizations, such as the Assembly of the European Regions; as well as with non-European organizations, such as the League of Arab States and the Organisation of the Islamic Conference. It opened economic representative offices in seventeen countries, including the USA, France, and Germany. In 1995, president Shaimiev, represented Tatarstan at the Davos World Economic Forum, emphasizing in talks that Tatarstan had been invited to the forum "as an independent actor."¹⁸

Two other important arenas in which Tatarstan implemented its sovereignty were language and education policies. Both the Tatar and Russian languages were declared official languages of the Republic of Tatarstan, equal in standing. The Law on Languages was adopted in July 1992, several months prior to the adoption of the republic's constitution. The Law introduced official bilingualism, stipulating that both state-languages are to be used, for instance, in the republic's government offices, in Parliament, and in communication with the population. The Law also decreed that both state-languages should be taught in all of Tatarstan's schools in equal measure. A large part of the Law on Languages was dedicated to the preservation and development of the Tatar language, including provisions where the republic provides opportunities to learn the Arabic and Latin (viz. *Yanalif*) scripts, prepares teaching staff, and publishes books, textbooks, and other study materials in the new script.¹⁹

The switch to the Latin script was framed in the public discourse in Tatarstan as a vital measure for preserving and developing the Tatar language and as a step towards the "strengthening of the sovereignty" of Tatarstan. As one observer noted, supporters from different sides and with different viewpoints were unanimous in one thing: the Latinization of the Tatar language was not only a question of alphabets but also of the survival and development of the Tatar people as a distinct cultural group.²⁰ At the same time, it was about correcting those injustices of the Soviet regime that had marginalized the native languages of minority peoples. Shaimiev, during the Second World Congress of Tatars in Kazan in 1997, declared that "in 1939 without any discussion, and without consulting the Tatar intelligentsia, the Tatars were forced to adopt the Cyrillic alphabet which, in large part, does not conform to the rules and spirit of Tatar speech."²¹

Another important argument in favor of the script reform was that a Tatar language based on the Latin alphabet would facilitate integration with information and communication technologies, in particular easing the use of the Tatar language on the Internet and with computer software. It was argued that Latinization would make the Tatar language competitive, modern and raise it to the level of international languages – languages that are most widely used on the Internet.²² It would also help to raise the status and prestige of the Tatar language within Tatarstan, which remained

¹⁸ Timur Akulov, "Mejdunarodnye i vneshneekonomicheskie sviazi Respubliki Tatarstan" [International and foreign economic relations of the Republic of Tatarstan], *Kazan Federalist*, no.17-18 (2006): 196-210.

¹⁹ *Law on Languages of the Peoples in the Republic of Tatarstan* (July 8, 1992), Article 23.

²⁰ Gulnara Khasanova, "Latinskiy alfavit dlya Tatar: ukreplenie suvereniteta ili tureckaja ekspansia v alfavite?" [Latin script for Tatars: strengthening of the sovereignty or Turkish expansion in the script?], *Nezavisimaja Gazeta*, February 27, 2001.

²¹ Gulnara Khasanova, "Language and sovereignty: The politics of switching to the Latin alphabet in Tatarstan," *Prism*, vol. 3:16,

http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=19920&tx_ttnews%5BbackPid%5D=219 (last accessed January 5, 2010).

²² Khasanova, 2001.

rather low in spite of the government's policy of official bilingualism. In these arguments, the Latin reform was presented as one step in Tatarstan's efforts towards internationalization, establishing itself as an independent international actor on one hand, and the preservation and development of the Tatar language on the other.

A significant aspect in this case of script reform was that the Latinization of the Tatar script would affect not only the population of Tatarstan but also Tatars living outside the republic, who constitute about 70 percent of Russia's entire Tatar population. The opponents of the Latin reform argued that if Latinization was implemented, Tatars from outside of Tatarstan would not be able to read Tatar books and newspapers, consequently this would cut them off from the Tatar culture. Nevertheless, the delegates of the 1997 World Congress of Tatars, where representatives of Tatar organizations from around the world gathered, supported Latinization. One of the delegates from St. Petersburg stated that the switch to a Latin script would enable Russia's Tatars to communicate with Tatars from other parts of the world and facilitate the integration of the Tatar language into the global information technologies.²³

However, the Latin reform provoked serious opposition from the federal center (sc. Moscow). The attack against the Latinization reform can be regarded as one step in a series of encroachments undertaken by Putin's federal government on Tatarstan's autonomy.²⁴ For their desire to abandon the Cyrillic alphabet, the Tatars were accused of ethno-national separatism, pan-Turkism, and allying with Turkey. In a report presented before the Russian parliament, it was stated that "The Tatars' change from the Cyrillic to a Latin alphabet and Turkey's active participation in the preparation of cadres in madrasahs in several Russian cities represent a threat to the national security of the Russian Federation."²⁵ Moreover, it seemed that a stronger opposition came from the Tatar community itself: in 2001 a group of well-known Tatars from Moscow, in a letter published in the official Russian newspaper *Rossiiskaia Gazeta*, protested against Latinization, arguing that changing the script will estrange Russia's Tatars from their national culture. However, the authenticity of the letter was called into question in Tatarstan. Later on, when the Latin Front for the Defense of Latinization was founded, most of its member-groups were national organizations from outside of Tatarstan, notably Moscow.

In November 2002, the Russian parliament adopted an amendment to the 1991 *Law On Languages of Peoples of the Russian Federation*, later signed by then-President Vladimir Putin, which mandates the use of a Cyrillic-based alphabet for all official languages in the Russian Federation unless otherwise determined by federal law.²⁶ Since Tatar was an official language of Tatarstan, this amendment prohibited the change of its orthographic base from Cyrillic to Latin.

The diasporic condition of the Tatar people was used to present the ban on the Latin script as a democratic decision. As one of the initiators of the bill, Russian MP Kaadyr-ool Bicheldei,²⁷ stated, "We have protected the right of citizens to education and access to information [...]. For instance, if Tatarstan moves to restore Roman letters, then only two million people, those who permanently

²³ Iskander Izmailov, "Reformy pismennosti tatarskogo yazyka: proshloe i nastojashee" [Reforms of the script of the Tatar language: the past and the present], *Rodina*, no.1, 1999. <http://www.tataroved.ru/publication/npop/5/> (accessed January 5, 2010).

²⁴ See Matthew Derrick, "Contested autonomy: Tatarstan under Putin (2000-2004)," *Journal of Central Asian and Caucasian Studies*, vol. 3:6 (2009): 75-103.

²⁵ Quoted in Derrick, 2009.

²⁶ *Federalnyi zakon N 165-F3 o vvedenii popravki k zakonu "O yazykakh narodov Rossiiskoi Federacii"* [Federal Law N 165-F3 on Amendment to the Law "On the Languages of Peoples of the Russian Federation"] (December 12, 2002)

²⁷ One of the authors of the draft bill and chairman of the subcommittee of the Russian Duma for the language policy, who is an ethnic Tuvan.

reside in the Republic, will be able to use the Tatar language. While the other four million Tatars who live in other regions will not be able to use it – since the law will be applicable only on the territory of that region.”²⁸

Though there was no clear consensus about the script reform within the Tatar community, Tatar activists and state authorities of the Republic of Tatarstan were unanimous in protesting against this Law. In an official reaction – from the State Council (Parliament) of the Republic of Tatarstan as well as Shaimiev – the Law was interpreted not only as infringing on the rights of the Tatar people to decide independently on which script to use for their language but also as an encroachment on human rights.²⁹ In its address to Putin, the State Council of the Republic of Tatarstan emphasized that the amendment that forbade official languages in Russia to be based on scripts other than Cyrillic contradicted international documents which the Russian Federation had signed, including the ICCPR, ECRML, and FCNM. Tatarstani MPs asked Putin to overturn the federal law as it did not correspond to international norms and to the Constitution of the Russian Federation.³⁰

A concrete step in challenging this Law was undertaken by the State Council of Tatarstan, which submitted a lawsuit to the Russian Constitutional Court, examining the constitutionality of this amendment. The Russian Constitution establishes Russian as a state language of the Russian Federation and simultaneously allows republics to institute their own state languages, thus rendering language under republican jurisdiction. The Constitutional Court examined this issue, and in its decision of November 23, 2004, ruled that the amendment to the 1991 Law on Languages did not contradict the Russian Constitution. It stipulated that, although republics have the right to institute state languages, language-related issues could not be under the exclusive jurisdiction of constituent units since they affect citizens of the entire country as well as the country’s cultural and educational unity. Further, the Constitutional Court based its decisions on the argument that Latin reform “could lead to the limitations of the rights of citizens who live outside the republics to use their native language or freely choose their language of communication.”³¹

The decision of the Constitutional Court provoked a new wave of the protest in Tatarstan; this time mainly from below. Tatar activists organized a public movement called the “Latin Front,” which aimed at “protecting the linguistic rights of the Tatar people” and the right to use the Latin script. The Latin Front united more than sixty national organizations, most of them being from outside Tatarstan, and put forward two main aims: to begin using the Latin script in spite of the official ban, and to force Russia to follow international norms on human rights and the “rights of nations” to which it had committed itself.³²

After the Russian law on the Cyrillic script was adopted by the Russian Parliament, some Tatar activists addressed the International PEN club, and in 2002 the 68th World Congress of Writers of the International PEN club adopted a resolution containing a demand to the Russian authorities “to observe international rights and linguistic norms for the unhindered reinstatement of the Tatar

²⁸ “Tatary ostalis’ bez latyni” [Tatars lost Latin], *Gazeta.ru*, November 15, 2002, www.gazeta.ru/2002/11/15/tatarlisauta.shtml (accessed January 5, 2010).

²⁹ President of Tatarstan Mintimer Shaimiev, in an interview to Interfax, said that this amendment not only contradicts the international documents on minority rights but also can be regarded as an encroachment on human rights. Interview of Mintimer Shaimiev to Interfax, November 17, 2002, http://www.tatar.ru/?DNSID=a4b42e155f3c68225f42d6ea0988ae04&node_id=1772 (accessed January 5, 2010).

³⁰ Address of the State Council of the Republic of Tatarstan to the President of the Russian Federation Vladimir Putin, November 15, 2002, http://www.tatar.ru/?DNSID=a4b42e155f3c68225f42d6ea0988ae04&node_id=1769 (accessed December 10, 2009).

³¹ Decision of the Constitutional Court of the Russian Federation on November 16, 2004, *Rossiskaja Gazeta*, November 23, 2004, para.4 § 2.

³² “Novosti s Latinskogo fronta” [News from the Latin Front], *Zvezda Povoljia*, December 16, 2004.

written language in Latin script.”³³ In September 2004, the World Congress of Writers sent a letter to the Constitutional Court with a similar appeal. However, these appeals had no effect. Later on, in October 2004 a delegation of the Parliamentary Assembly of the Council of Europe visited Kazan, and representatives of the Tatar PEN-Center provided them with documents concerning the problem of switch to the Latin script.

Although few activities were in place in relation to one of Latin Front’s aims – to start using the Latin script – some concrete steps were taken towards internationalizing the issue. The Latin Front wrote a letter to the Director-General of UNESCO, Koichiro Matsuura, concerning the Latin script issue. They addressed UNESCO on International Mother Language Day and asked UNESCO to assist in the protection of the Tatar language and the rights of the Tatar people. They called on UNESCO “to acknowledge the presence of a clear humanitarian problem and to start legal procedures to undertake measures for the protection of the linguistic rights of the Tatar people.”³⁴ Thus, the Russian federal law on scripts and the Tatar Latinization reform were brought to the attention of international organizations. Advisory Committee on the Framework Convention for the Protection of National Minorities as well as shadow reports from Russian NGOs on the compliance of the Russian Federation with FCNM provisions raised this issue. It was also discussed within the Assembly of European Regions at the Council of Europe, where Tatarstan is represented. The Latinization case has also received coverage in the international media, including the BBC.³⁵

The Role of International Norms in the Latin Script Issue

The supporters of Latinization in Tatarstan – local authorities as well as grass-roots movements – frequently invoked international standards on minority rights when advocating their claims. They contest state decisions, namely Russian federal law mandating the use of the Cyrillic script, by referring to existing international norms and the State’s non-compliance with these norms. The international commitments of States therefore create a legal framework within which minority claims can be addressed and where state decisions can be challenged. The questions arise, however, of whether international instruments can effectively address minorities’ language claims, and whether they are able resolve such disputes in favor of the minority.

The following example also points out that Tatar language activists feel their claims are supported not only by existing international norms but also by the growing importance that cultural diversity acquires on an international level. In an address by the Latin Front to UNESCO, for example, activists linked the protection of the linguistic rights of the Tatar people to the current global trend of the promotion of cultural and linguistic diversity, as the following excerpt from the letter to Matsuura shows:

*[I]n your address on the occasion of the International Mother Language Day you have stated that [the] protection of the mother tongue is a central issue for the indigenous peoples, for the preservation of their distinctiveness and cultural heritage. Your position on this issue assures us that the Tatar people will [see] understanding and support from UNESCO and other institutes of [the] international community in their strivings for [the] re-establishment of their linguistic rights.*³⁶

³³ “The Latin Front,” address to the Director-General of UNESCO Koichiro Matsuura on the Occasion of the International Mother Language Day from the Coordination Council of “The Latin Front,” January 11, 2005, in *Zvezda Povoljia*, January 13, 2005.

³⁴ “The Latin Front,” 2005.

³⁵ “Russia court sticks to letter law,” BBC, November, 16, 2004, <http://news.bbc.co.uk/2/hi/europe/4016571.stm> (accessed January 5, 2010).

³⁶ “The Latin Front,” 2005.

A second aspect of the connection between international norms and minorities' claims to which this case points is that international instruments play a certain discursive role in framing minorities' claims. Concepts that are not common in the Russian public discourse and for Tatar ethnic group self-representation – such as “national minority” or “linguistic rights” – are used in the Latin script dispute and frame its narrative in accordance with the dominant international discourses. The term “national” or “ethnic minority” in the Russian Constitution refers to ethnic groups that have Russian nationality but enjoy an independent political entity outside of borders of Russia, such as Germans, Kazakhs, Greek, Mongols, Koreans and others.³⁷ In the Russian public discourse it is also employed in reference to migrant ethnic communities, especially those that after the fall of the USSR moved to Russia from ex-Soviet republics. It is not used in relation to ethnic communities that have ethno-territorial units (titular republics or oblasts) within the Russian Federation (such as the Tatars in Tatarstan), where terms such as “titular people” or “titular nationality” are generally used. However, in the documents and speeches of Tatar language activists and republican authorities concerning the Latin script, Tatars are frequently referred to as a “national minority.” Another term that has been appropriated within the course of the Latin dispute is “linguistic rights.” While in international law it is a well-established and universally accepted term, it is not common within the Russian public discourse or legislation to refer to the “linguistic rights” of peoples or persons. Tatar Latin script defenders frequently invoke this term, for example, in an appeal to UNESCO, where the Latin script issue was presented as an “infringement on [the] linguistic rights of the Tatar people.”³⁸ These examples show how Tatar activists appropriated and used internationally accepted categories in order to frame their issue as a matter of international concern and represent their claims as internationally legitimate.

Apart from the discursive role of international human and minority rights norms in the dispute over the Latin alphabet, there is the issue of using the international instruments in practice, for example, to pressure States into overturning their decisions. One of the ways to make international instruments work is to launch a legal proceeding on a certain case through an individual appeal to an international or European judicial human rights authority. This process, however, is rather complicated and depends on several factors. First of all, an address to an international judicial authority is only possible if all national and domestic solutions are exhausted. And secondly, it is rather problematic to raise a language issue under one of the existing international human rights provisions since, as already indicated, the provisions concerning individual language rights, not to mention collective rights, are poorly elaborated upon in international law.

The supporters of using a Latin script for Tatar have undertaken some practical steps towards the implementation of their claims with the help of international instruments. As stated in their appeal to UNESCO, the Russian internal legal resources for the protection of the basic linguistic rights of the Tatar people were exhausted. Seeking help from the international community, they directly addressed an international body, UNESCO, in the hope that it would exert pressure on the Russian Federation. However, this did not have any effect beyond attracting some international attention. As a last resort, activists of the Tatar Latinization movement intended to apply to the European Court of Human Rights on the grounds that Russian legislation prevents Tatars from asserting their right to self-determination.³⁹ In December 2004, St. Petersburg resident Chulpan Bolgari stated that his

³⁷ For more on term “national minorities” in the Constitution and on the use of categories to describe minorities in Russia, see: NGO Shadow Report “On the Implementation of the Framework Convention for the Protection of National Minorities by the Russian Federation,” Moscow, February 2006, <http://www.minelres.lv/coe/statereports.htm> (accessed December 10, 2009).

³⁸ “The Latin Front,” 2005.

³⁹ David Cashaback, “Accommodating Multinationalism in Russia and Canada: A Comparative Study of Federal Design and Language Policy in Tatarstan and Quebec” (PhD diss., London School of Economics and Political Science,

appeal against the prohibition by the Russian government of the introduction of the Latin script in Tatarstan has been accepted for consideration by the European Court of Human Rights. In his appeal, Bolgari listed five articles of the Russian Constitution which, according to him, were violated by the amendment stipulating the mandatory use of the Cyrillic script.⁴⁰ However, the fate of his appeal remains unknown, since to date there has been no hearing concerning this case in the said Court.

In light of the discussion above, it would be interesting to see whether the notions and representations that minority activists have about international instruments really correspond to their expectations. For this purpose, I will look into European documents, such as the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, and investigate whether they address and how they handle the aforementioned issues raised by Tatar activists.

The Latin script case under the FCNM and ECRML

The FCNM and the ECRML can be regarded as the internationally binding documents that address the issues of minority language rights most extensively and comprehensively. However, their provisions are not enforceable through a court decision, but rather are subject to regular monitoring (e.g. a state-reporting procedure). Whereas the FCNM addresses the rights of national minorities in general, the ECRML is designed specifically to target language issues. It should be mentioned that the Russian Federation is a party to both instruments; however, whereas the Framework Convention was ratified by Russia (in 1998), the ECRML has been signed (in 2001) but not yet ratified and thus does not have legal force.

The issue of the then-draft amendment stipulating the mandatory use of the Cyrillic script by all sub-state languages in the Russian Federation was raised in the FCNM Advisory Committee's *Opinion on the Russian Federation* (13 September 2002). It was raised in relation to the Article 10 of the FCNM:

*The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*⁴¹

In its comments, the Advisory Committee states that Article 10 of the Framework Convention does not address the issue of the choice of alphabet separately from the right to use a minority language. Indeed, it considers it difficult to draw a clear distinction between them, and to design separate legal regimes for, these two interlinked concepts.

*While acknowledging that there is not always consensus within the minorities concerned – such as Tatars – as to which alphabet should be used in the context of their minority language, the Advisory Committee considers that in principle this should be a matter to be decided by those directly concerned and that the federal authorities should refrain from imposing any artificial solutions.*⁴²

2006), 110.

⁴⁰ RFE/RL Tatar-Bashkir report: January 4, 2005. <http://www.rferl.org/content/article/1346671.html> (last accessed January 5, 2010).

⁴¹ Framework Convention for the Protection of National Minorities, Section II, Article 10.

⁴² Advisory Committee on the Framework Convention for the Protection of National Minorities. *Opinion on the Russian Federation*. Strasbourg, 13 September 2002, paragraph 83, p. 21.

It further states that, in cases where the use of a language does not concern interactions with public authorities, the use of an alphabet by an individual should be left to individual discretion without any normative limitations.⁴³

Thus, the monitoring body did not consider this state decision as violation of Article 10 and criticized this decision referring mainly to the argument that artificial solutions should not be imposed. Furthermore, by upholding the individual right to use one's language, including the script associated with it, without interference (which means the right of an individual to write using the Latin script in private or public), the Convention made an exception for the right to the use of the language and script when dealing with public authorities. Thus, it did not uphold the right for a group to decide what language in which form (script) should be used in the official settings.

A 2006 unofficial shadow report on the implementation of the Framework Convention compiled by a number of Russian NGOs, however, had another view on this issue. In contrast to the official Advisory Committee Opinion, it was more explicit in its comments. It stated that "even after [the] ratification of the FCNM, Russia made certain changes in the law *inconsistent with the country's obligations under the Convention*" (my emphasis), to which this report added the 2002 amendment concerning the mandatory use of Cyrillic for official languages in the Russian Federation.⁴⁴ It also stated that the choice of the script could not be separated from the right to use minority languages, which is protected under Article 10 of the FCNM.⁴⁵

As for the European Charter for Regional or Minority Languages, if the Russian Federation ratifies it, it would imply the application of the general principles and aims foreseen in Part II to all recognized languages of the Russian Federation.⁴⁶ It would then be possible to raise the issue of the script under Article 7(2) (Part II):

*The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it.*⁴⁷

The imposition of one script on a minority language could be interpreted as a restriction on the use of minority language that discourages the development or maintenance of it. The Tatar case is not exceptional, and tensions related to script differences have appeared in a number of countries in Eastern and Central Europe and in Asia.⁴⁸ The recognition of script differences of minorities' languages is found in a number of state constitutions (India, Cambodia, Pakistan, and Slovenia, among others).⁴⁹ However, international instruments have very little to say about the script issue. Neither the FCNM nor the ECRML contains explicit provisions concerning the script. It seems evident that this is so because script can hardly be considered separately from the language (though there are few documents which state this explicitly). As some scholars have observed, "Language cannot be interpreted in a solely linguistic sense to exclude such aspects as script, which may serve

⁴³ Ibid.

⁴⁴ NGO Shadow Report "On the Implementation of the Framework Convention for the Protection of National Minorities by the Russian Federation," Moscow, February 2006, <http://www.minelres.lv/coe/statereports.htm> (accessed December 10, 2009), 18-19.

⁴⁵ Ibid., 54.

⁴⁶ Vieyetz, 2002.

⁴⁷ European Charter for Regional or Minority Languages, Part II, Article 7.

⁴⁸ For instance, the Croatian-Serbian conflict over the use of the Cyrillic script in Krajina, or the dispute over the mandatory use of the Gurmukhi script in the Punjab region and others.

⁴⁹ Fernand de Varennnes, *Language, Minorities and Human Rights* (The Hague: Kluwer Law International, 1996), 105.

as symbols of group identity and form a heritage rooted in culture or religion [...].”⁵⁰

If a script is regarded as an integral language component, then the rights accorded to the use of language should also apply to the use of the script. However, it is not clear whether this right pertains to the public use of the language (that is an official one) or to the use of a language in private. As a part of human rights, minorities have the right to use a particular script (such as Cyrillic, Greek, Latin, Hebrew, etc.) in their private activities – in international law this is protected under freedom of expression, and may also be a right under Article 27 of the ICCPR. As de Varennes asserts, any attempts by public authorities to ban the private use of a particular script would be a violation of fundamental rights contained in international law and in European treaties.⁵¹ However, when addressing the use of official language in the public sphere, as in the case of Tatar, the official language of Tatarstan, then other considerations can come into the play. The official status implies that a certain script will be used in all public activities, including work in the government, mass media, and education in a defined territory. In this case, for example, changing from a Cyrillic- to a Latin-based alphabet for the Tatar language within Tatarstan could limit the ability of people living outside the republic to read Tatar books or newspapers that are published in Tatarstan. The decision of the Constitutional Court of Russia pointed to this problem when stating that alphabet reform “could lead to the limitations of the rights of citizens who live outside the republics to use their native language or [to] freely choose their language of communication.”⁵² At the same time, there are arguments pertaining to the considerations of a country’s cultural and linguistic unity, such as one mentioned in the official report of the Russian Federation on the implementation of the FCNM provisions. This report states that the amendment on the mandatory use of the Cyrillic was adopted “in order to unify the graphical base of the alphabets of [the] state languages of the Russian Federation and the republics.”⁵³ Here the script issue becomes a part of the long-term dispute between the States, which are concerned with their territorial integrity, and minority groups seeking to decide on their own cultural or linguistic development.

Conclusion

Several conclusions can be drawn from the case of Tatar Latinization reform. International human and minority rights instruments can be involved in a conflict between a State and a minority culture group in different ways. As the case of the Latin script issue shows, minorities use existing international norms in their strategies of advocating language rights. As one of the coordinators of the Latin Front movement stated, “We ran out of all legal resources; all judicial instances within the country gave their decisions. The only thing left for us to do is to seek [the] protection of our rights beyond Russia.”⁵⁴ National legislation, namely Russian federal law and the decision of the Constitutional Court of the Russian Federation, has opposed Latinization reform, and Tatar language activists have turned to international human and minority rights norms as an ultimate authority which could resolve their problem. The role of international instruments in this dispute was twofold. On the one hand, they played a discursive role – Tatar activists, by referring to

⁵⁰ Philip Vuciri Ramga, “The Bases of Minority Identity,” *Human Rights Quarterly*, vol. 14 (1992): 427.

⁵¹ de Varennes, 2002.

⁵² Decision of the Constitutional Court of the Russian Federation dated November 16, 2004, *Rossiskaja Gazeta*, November 23, 2004.

⁵³ Report of the Russian Federation on the progress of the second cycle of monitoring in accordance with Article 25 of the Framework Convention for the Protection of National Minorities, April 26, 2005, http://www.coe.int/t/e/human_rights/minorities/2._framework_convention_%28monitoring%29/2._monitoring_mechanism/3._state_reports_and_unmik_kosovo_report/2._second_cycle/List_2nd_Cycle_StateReports_en.asp#TopOfPage (accessed December 10, 2009).

⁵⁴ Vera Postnova, “Latinisty upovaut na UNESCO” [Latinists set hopes upon UNESCO], *Nezavisimaja gazeta*, January 31, 2005.

internationally recognized norms on language rights and by using categories of international law, framed their case as a matter of international concern and presented it as a violation of internationally accepted human and minority rights provisions. On the other hand, Tatar activists tried to use the existing international instruments practically – they appealed to international organizations such as UNESCO and asked to start legal procedures, and for pressure to be exerted on the Russian Federation. However, though the Latin case received international attention, this did not affect the Russian Federation and its decision.

Despite the complexity of the script issue, it is not adequately addressed by international norms. It is not clear whether this case could be considered a violation of human rights because it does not address the private, individual use of a certain script but rather the use of a certain script by official public institutions. It falls under the category of a minority group right – a right given to a (minority) group to choose which script to use in communication within the community and with public authorities. As we have seen from the analysis of international minority rights documents – such as the FCNM or ECRML – the script issue was not adequately addressed by these norms. It was possible to raise it under existing international language rights provisions; however, these provisions did not allow for the interpretation of a state decision as contradicting international norms. And even if ratified by Russia, these international documents could not suspend this legal decision. The lack of effective mechanisms of enforcement thus weakens the said international instruments.

The Latin script dispute points out that Tatar language activists presumed international instruments would work in favor of minorities and were too optimistic about them. Despite the weaknesses of these norms, the existence of international instruments for minority rights and the promotion of the values of cultural diversity on the global level still encourage minorities to make claims for certain rights, and they give minorities the possibility to present their claims as a matter of international concern.

The Tatar Latinization case also points out that scripts are not merely ways languages are written; instead, they carry with them historical memory, cultural, and symbolic meanings. Without consideration of the symbolic aspects of a script, we cannot understand the ways in which it is politically manipulated.

Legal decisions that regulate scripts, such as the Russian amendment to the Law on Languages, in most cases function as discriminatory practices against minorities since an ethnic majority can always freely decide on which scripts to use for its own language. Arguments from the Russian Constitutional Court claiming to protect the cultural and educational unity of the Russian Federation contradict the Court's own official statements that Russia is a federal state and a multinational country. It also contradicts the global trend of recognizing and promoting cultural diversity and attests to the fact that the Russian Federation is moving in the opposite direction – towards the eradication of cultural diversity. And as the Latin script issue showed, Russia's international commitments on human and minority rights cannot really affect the situation.

As the Latin script ban has not provoked a backlash or strong popular protest from the part of the Tatar population, it is clear that such policies alienate the Tatar minority from the Russian state. And without trust in the State, without confidence that the State is there to protect the people's interests, the construction of an "all-Russian" civic identity which the Russian government is striving for is not possible.

Yet despite the official ban on the use the Latin script, there is a space in which it can be used and is used today without limitations. There are several web pages, including those of mass media, that

have Tatar Latin versions,⁵⁵ and individual users write on the Internet with Latin script. Also, many Tatars from outside of Russia have their sites entirely in the Latin script (for example, Tatars in Finland). Indeed, many Internet sites do not allow Tatar words to be written in Cyrillic correctly because of the special characters of Cyrillic's Tatar version. The Internet thus becomes the principal space where free expression of cultural diversity is possible.

⁵⁵ See, for example, http://www.azatliq.org/section/Azatliq_Radiosi/48.html; <http://www.intertat.ru/?lang=tatlat/>