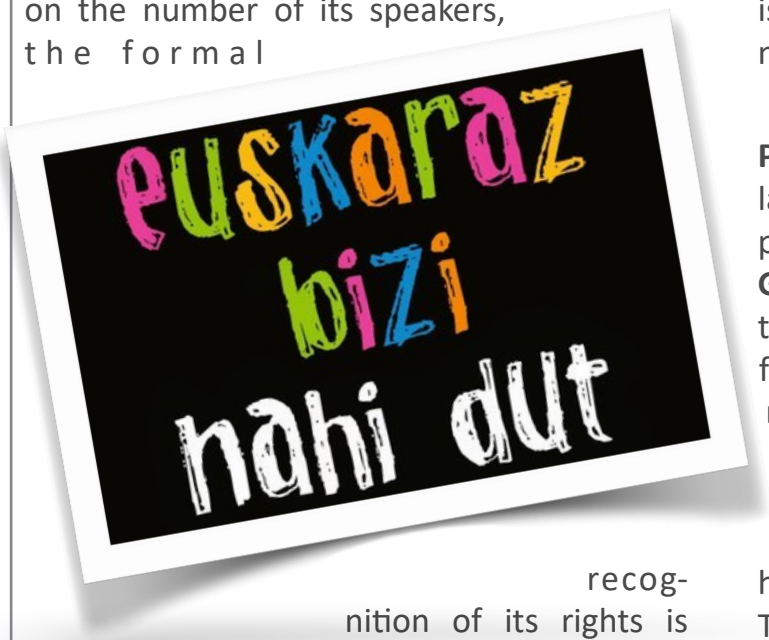
Basque Writing 26

The Basque Language Law & The Basque Radio Televison Law

A 40-year Journey

Despite the survival of a minoritised language being dependent, to a great extent, on the number of its speakers, the formal



recognition of its rights is also essential. To mark the occasion of their 40th anniversary, the 26th issue of our Basque Writing magazine will cover two laws that were fundamental in reviving the Basque language in the 1980s: **The Basic Law for Normalising the Use of the Basque Language and The Basque Radio-Television Law.**

So what was the context in which these two laws were conceived? How have they been implemented? What has their impact been? Their achievements? Their shortfalls? And what are the future challenges to overcome? In order to answer all of these questions, we have brought together in this issue of our magazine the reflections of a number of experts.

In the first part of this issue, **Xabi Paya** will describe the context in which the laws were passed and outline their key points. Next, **Pello Otxandiano** and **Elixabete Garmendia** will reflect upon the outcome of the laws, highlighting their strengths, their flaws, and their contradictions. **Patxi Baztarrika** will then explain the importance of Basque Language Law in the revival and consolidation of our language. Following that, **Josu Amezaga** and **Jasone Agirre** will highlight the shortfalls of the Basque Radio-Television Law, 40 years after it was introduced. Paul Bilbao will highlight the uneven application of the different linguistic laws in effect across the Basque-speaking territories. And finally, **Alex Aginalde** will examine the presence of the Basque language in the modern audio-visual age and present the *Pantailak Euskaraz* (screens in Basque) initiative.



Sara Arregi
Euskal PEN

The Basque Radio-Television Law

"Euskal Irrati-Telebista herri-erakundea sortzeko legea" or the Basque Radio-Television Law, 5/1982 of the 20th of May**, is the basic law to develop the** Basque Autonomous Community's **public broadcast service EITB**, which **broadcasts throughout whole of the Basque Country** (Navarre and the Northern Basque Country included).

EITB nowadays is composed **of 6 TV channels** (**ETB1**, the general channel in Basque; **ETB2**, the general channel in Spanish; **ETB3**, the youth channel in Basque; **ETB4**, the bilingual entertainment channel in both languages; **ETBSat**, the worldwide channel, in both languages; and **Canal Vasco**, the international channel aimed at Latin America, in both languages), **5 radio channels** (**Euskadi Irratia**, the news/talk radio station in Basque; **Radio Euskadi**, the news/talk radio station in Spanish; **Radio Vitoria**, the news/talk radio station aimed at the city of Vitoria, in the Spanish language; **Euskadi Gaztea**, the music radio station in Basque aimed at the younger audience; and **EITB Musika**, the cultural and soft music radio station in Basque and Spanish), and a **web platform** (eitb.eus).

Context

The 19th article of the Statute of the Basque Autonomous Community, approved in 1979, gave the Basque Government the right to develop a regional broadcasting service. On the **20th of May 1982, the Basque Parliament unanimously approved the law** that established Basque Radio-Television. The radio channel Euskadi Irratia began broadcasting on the 23rd of November 1982, and the TV channel ETB was launched at midnight on the 31st of December 1982, with a New Year's Eve message delivered by *Lehendakari* Carlos Garaikoetxea (the Basque Regional Prime Minister). **However, it wasn´t until the 16th of February 1983 that daily uninterrupted programmes began**. At the time, around 30 people worked at the ETB centre in Iurreta (Bizkaia, Basque Autonomous Community), and the broadcast was delivered exclusively in Basque.

Content

The law defined the **organisation and structure** of the public broadcasting service (President, Board of Directors, and CEO) and all of the relevant technical detail related to antenna and broadcasting infrastructure. Article 3 of the law is particularly interesting, since it outlines the **main objectives of the service**:

a) **Objectivity, veracity and impartiality** of information.

b) **Distinction between information and opinion**.

c) Respect for equity and **political, religious, social, cultural and linguistic plurality**.

d) **Defense of all the civic values** expressed in the Spanish Constitution and the Statute, and acceptance of all the rights included in both of the aforementioned laws.

e) **Respect for people's right to honour**, intimacy and self-image.

f) Protection and **promotion of youth and childhood**.

g) **Promotion of the Basque language and culture**, establishing the basic principles for the programmes in accordance with the use of the Basque language, and taking into account the need for balanced and varied TV and radio programmes in the Basque language within the Autonomous Commu-



Basque Language Law

Euskararen legea, or the **Basque Language Law**, 10/1982 of the 24th of November, is **the Basic Law for Normalising the Use of the Basque Language** in the Basque Autonomous Community. It was adopted in 1982 to regulate and officialise the status of the language.

Context

When the dictator Francisco Franco died in 1975, a strong social movement arose in favour of the Basque language within the Basque Autonomous Community and Navarre. **In 1978**, the **Spanish Constitution established the obligation to know how to speak Spanish**, but it also allowed for other languages to become official within their respective regions**. In 1979**, the Statute of the Basque Autonomous Community **laid out the main framework for the use of the Basque** language in education, communication, and administration.

On the 24th of November **1982**, the **Basque Language Law was approved unanimously** by the Basque Parliament (Legebiltzarra). Unfortunately however, the Spanish Government appealed the law at the Spanish Constitutional Court, and so it was not approved until 1986.

Content

The **first chapter** of the Basque Language Law **established the rights of citizens and the duties of public authorities** within the field of language. It focused on the regulation of the duties of public and local administrations:

- Citizens have **the right to use both** Basque and Spanish in relations with the public administrations of the Autonomous Community
- The public administrations must communicate **in both languages.**
- Local and provincial authorities have the right **decide all of the official names** under their competence.
- An **official translation service** is created, and sworn translation between Basque and Spanish is regulated.
- The law also identifies measures to promote the Basque language among civil servants.

The **second chapter regulated the use of Basque in education**. Citizens have the right **to study in Spanish and/or Basque** for the length of their educational journey. **Teachers must have the competence to work in both languages**, and those



students choosing Basque must master the language by the end of their compulsory education.

The **third chapter** set the **right to use Basque in media**. Citizens have the right to be informed in Basque and Spanish, so the Basque Government must promote the use of Euskara **in regional and national media**.

The **fourth chapter** regulated the **use of Basque in social contexts**. Among other goals, the Basque Government is entitled to create an institution to promote Basque literacy among adults.

Finally, the **fifth chapter** established that the Basque Government **must take on responsibility for the standardisation** and normalisation processes of the Basque language.



Xabi Paya
Creative, translator and BasquePEN-Secretary

Strengths and weaknesses of the law

The Basque Language Law and The Basque Radio-Television Law **turn 40 this year.** In order to evaluate the efficiency of the legal basis of these two laws, and therefore, examine the extent of their usefulness in today's society, it is necessary to look back and observe how the world has changed over the last 40 years, given that the 21st century bears little resemblance to the time when these two laws were conceived.

As Joan Mari Torrealdai once stated, even though education and radio-television were once our main hope to normalise Euskara, **they have not lived up to our expectations**. One can take an optimistic or pessimistic view, as each process has its strengths and its weaknesses. We must however accept the harsh reality: we do not know whether EITB still holds the function assigned to it at its inception, or at least, it would be safe to say that its function has waned over time. With regards to the Basque Language Law, in light of recent court rulings, it is obvious that its legal basis is insufficient and that **we need a new law that will protect our linguistic rights**.



Pello Otxandiano
Politician and Telecommunications engineer

Macro contradictions

Three Pakistan-born siblings speaking in Basque to an ETB reporter in the English town of Luton, to the north of London. The street interview was part of the deluge of information generated by Queen Elizabeth II's passing. Pakistan-born people speaking Basque in the UK! How? Here's the explanation: growing up they had lived in the Basque towns of Zumarraga and Antzuola for a number of years. Curiously enough, **they had even retained the accent of the latter town**.

Most certainly, it was at school -and on the streets- that those siblings learnt how to speak Basque, something which would never have happened had **the Basque Language Law** not been passed on the 24th of November 1982, with the second article of the legal text regulating and opening the doors to ***"the use of Basque in education"***.

However, **there is another forty-year-old law that may have also been important** in the language acquisition process of those three siblings, and that is the Basque Radio-television Law passed on the 31st of December 1982.

After having used the Basque speaking Pakistan-born siblings as **an opportunity to honour two ground-breaking laws**, two questions automatically spring to mind. Firstly: how is it possible that nowadays when we are stopped by a police car on the road, we **are still forced to speak in Spanish?** Secondly: when will Basque television stop treating the Basque language, the world around it, and those who decide to live in Euskara, **as second-class citizens**?



Elixabete Garmendia Lasa
Journalist in written press, radio and television

Linguistic democracy in law

The health of non-hegemonic languages is always fragile; however, **the Basque language has grown substantially** over the past 40 years: the number of its speakers has increased by thousands, and the areas of its use have broadened. Even so, we face complex challenges. **The future of the Basque language depends on what we do moving forwards**, and the dedication of citizens and speakers is essential, as well as legal regulations, public language-policies, and of course the push from public and grassroots organisations.



Argazkia: Santi Vaquero

Since the 19th century, Basque had experienced a gradual decline. It wasn't until the 1980s that, with the help from the newly established autonomous government, the decline was halted, and Basque has since enjoyed a revival. **There have been ups and downs along the way, although the ups have clearly prevailed.** What used to be a language of the elderly, is now a young and active language.

The context of that change was established by the Basque Language Law that was passed by the Basque Parliament in 1982. **This law pursued two main goals**: on the one hand, it intended to protect the Basque language and its speakers; and on the other, it aimed to progressively build a bilingual society, generation after generation. **The basis of the law are certain rights and obligations.** It confers the same rights to all citizens: **the right to the knowledge and use of Basque,** and in particular, the right to be provided with education and administrative services, press and media, cultural, and socioeconomical services in Basque. It also established the right to use Basque in social life. On the other hand, authorities are subject to certain obligations, and are urged to actively promote normalisation policies so that the rights conferred onto citizens can gradually be materialised. Basque radio-television was born from that principle, and was founded to guarantee the right to be informed in Basque.

The Basque Language Law **was only possible thanks to common consensus**. Notwithstanding the need to reinforce legal security and adapt public policies, the main principles and aims of the law **are still valid today**, since our linguistic concern is after all an issue of rights and equality; a challenge of language democracy. Effective equality, social harmony, linguistic diffusion, and strengthening in social spheres are the values behind our language's revival, **and the core of the aforementioned law remains an effective means to that end.**



Patxi Baztarrika
Politician and Linguist

Basque Radio-Television Law forty years on

It has just been been 40 years since the EITB law was approved. Thanks to that law, Basque society has been able to create and develop its own public radio and TV channels, and **give a great impetus to the Basque media system,** whose origins emerged from the work of grassroots movements. As such, EITB became part of a small media system that would later become much bigger.

The law was conceived to address two main needs: the need to normalise the Basque language, and the need to help shape the political subject that had just emerged from the hand of self-governance. The combination of these two aims created **some difficult contradictions within EITB** over the last four decades: Which language should be the vehicle of that political subject? What should the main priority be; the normalisation of the Basque language, or addressing a society that is not Basque speaking in its majority? Those questions emerged in the 80s and **they are still being debated today**. Despite the profound changes that have occurred in the sociolinguistic sphere —today, more than half of the population understand Basque—, in the media —the breakout of online media— and in the technological world —subtitled and supplementary audio programmes have been developed—. From my point of view, it seems clear that the way those questions were approached **has relegated the Basque language to a lower status,** especially in the case of television, which has recreated the diglossis we see in our society.



Josu Amezaga
Journalist and Professor at the EHU University

We need and Audiovisual Media Law

40 years ago, **we experienced a magical moment** in one part of our country. Franco's dictatorship had just fallen, and everything was to be done. New laws were needed, particularly in the field of language. It was then that the Basque Language Law and the Basque Radio-Television Law were conceived to protect, strengthen and promote our language. These two laws, and especially the one related to our public radio and television, meant a great deal to us. **It gave us a place in the world and allowed us believe in ourselves**. It taught us that we could access quality journalism, sports, movies, and entertainment in Basque.

But it's a funny old world, as through a subsequent change to that law, **a second channel was created that broadcast its content in Spanish**. This Spanish speaking channel **became a direct competitor of the Basque language channel** when it came to programming, funding, promotion, and of course, the share of the audience: almost all the viewers of the Basque language channel switched over to the Spanish speaking side.

This law hasn't changed in 40 years and is **now obsolete.** Obsolete and insufficient: the audiovisual world has completely changed and **the conventional television model has been overtaken**. We need a Basque Audiovisual Media Law now. Let´s keep on making magic!



Jasone Agirre
Politician and Journalist

A new horizon in the Country of Euskara

The Basque-speaking community lives in an area of only 20.950 km². Despite only being a small territory, our **linguistic rights are actually governed by two separate states, and in one of these states, by two different autonomous governments.** This situation has a clear consequence: the rights granted to Basque speakers are different depending on where they live; that is to say, some citizens are acknowledged as having more fundamental rights to live their life in their own language, whilst others have little or no recognition.



Thus, our linguistic rights are ruled by different laws. In some areas, such **as in the French state, the law denies our very existence**, whilst in the Spanish state, **the knowledge of the hegemonic language —Spanish—, is compulsory.** For its part, the Autonomous **Community of Navarre**, which is also located within the Spanish state, **confers some linguistic rights to the inhabitants of certain areas, but across the majority of its territory, such rights are denied**. However, in the Basque Autonomous Community, the same rights are granted to all citizens —at least at a theoretical level—, as the Basque language and the hegemonic Spanish language are both official throughout the territory.

Forty years ago, the Basque Government passed the law that would enable the officialisation of the Basque language. **Although it is undeniable that this law has brought about positive results, the linguistic rights of the citizens in this autonomous community are still being violated,** and in some areas that violation is systematic.

Fortunately, many things have changed over the last 40 years. Thanks to the official status of the language, and the Basque Language Law itself, bilingual citizens have grown in number. However, society has changed profoundly, **and new needs have emerged for those who choose to live in Basque**, especially when it comes to digital and audiovisual services.

Therefore, there is no point in raking over what was done in the past. The opportunities offered by the Basque Language Law have already been exploited, therefore **it is time to rethink the law. We need a law** that will tackle the violations of linguistic rights, which will be appropriate for a sociolinguistic context that is increasingly Basque-speaking, and **which will cater for the new needs within our community**.

As mentioned, unlike in the rest of Euskara's lands, **the official status** given to the Basque language in the provinces of Araba, Bizkaia and Gipuzkoa, **offers new opportunities and makes the leap possible**. Let's aim for a law that will really cater for the needs of a strong Basque-speaking community.



Paul Bilbao
General Secretary of Euskalgintzaren Kontseilua

Pantailak Euskaraz: a movement to demand more audiovisual content in Basque

We are constantly surrounded by screens. According to research, **we spend between 11 and 13 hours a day looking at different screens,** such as mobile phones, TVs, tablets, and computers. **But which language is the vehicle** for the entertainment content that has dominated our leisure time over recent years?

Traditional TV channels, where the presence of Basque is very small, are losing ground to new audiovisual platforms. Out of the dozens of channels that we have access to, only three of them broadcast their content in Basque: **ETB1, ETB3 and HamaikaTB**.

With regard to cinemas, **only 1% of screenings are in Basque. We almost never get the chance to watch international blockbusters that are dubbed or subtitled in Basque.** It is shocking to see how widespread the discrimination is in a land where both Basque and Spanish are official.

For its part, **the presence of Basque in streaming platforms**, currently swallowing up the TV and cinematic industries, **is anecdotic**. Streaming giants such as Netflix, PrimeVideo, Disney+ and HBOmax **have less than 0,1% of their catalogue devoted to media content in Basque,** and in social networking sites such as Youtube, Twitch and Tiktok, the situation is not much better.

Sociolinguistic research proves that the way in which we spend our leisure time has a great impact on our linguistic habits, and since we spend most of our time absorbed by screens, it is not hard to deduce **that if Basque is nowhere to be found on the screens, it will be harder for our language to progress on its path to normalisation.**

In June 2021, concerned about the rare presence of our language is a sea of media content that is becoming ever larger, **some grassroots collectives and individuals joined forces to create a movement named Pantailak euskaraz (screens in Basque).** So far, the different campaigns carried out by our movement have collected more than **30.000 signatures** and have created a network made up of more than **500 collaborators**.

For the last year we have tried to place this topic at the centre of social and political debate: we have met with public institutions and worked together with professionals from various fields (Basque culture and linguistics, education, media…) in order to confront the challenges that the Basque language is facing in this screen-based era. Over recent months **we have observed a reaction from certain institutions, collectives, and companies**. EITB has announced the creation of a new streaming platform, and Netflix and Amazon Prime Video have already started including Basque subtitles in some of their content.

We know that overturning the current situation is crucial for the future of our language. We also know that to achieve this goal, we need legal protection, structure, and above all, political will. ***Pantailak Euskaraz (Screens in Basque)*** will continue to work in that direction.



Alex Aginagalde Lopez
Spokesperson for the movement *Pantailak Euskaraz*

Texts: Maddalen Subijana, Sara Arregi & L Mintegi
Design & Layout: Laura Mintegi.
Translation: Sara Goiria & Joshua Gamble

pen@euskalpen.eus
www.euskalpen.eus

ETXEPARE EUSKAL INSTITUTUA
Supported by

BASQUE PEN
Agoitz Plaza, 1.
48015 Bilbao-Bizkaia
Basque Country