

Law, Minority Languages and the Internet

The regulation of minority language use on the internet and in new media in general presents a range of difficulties. Partly, these have to do with inherent difficulties in regulating the internet generally.

The state has always played a central role with respect to the regulation and even the operation of 'old' media, such as radio and television, through its ability to control the distribution of frequencies, and through its ability to bear the costs of production and distribution, which have, historically speaking, been comparatively large.

Also, given the nature of the technologies, borders matter, something which also creates conditions which are favourable to state regulation. Because the state had the ability to regulate such media, it was possible to regulate how the state used this power in respect of minority languages. The same conditions which create the possibility of significant regulation of the 'old' media tend not to exist, making regulation by the state much more difficult.

This state of affairs is reflected in existing international legal obligations of relevance, and in the second part of the presentation, some of these provisions, most notably in the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities contain little of obvious and immediate relevance to 'new' media and the internet in particular. This is partly due to the circumstances in which relevant standards were being created: most were developed in the late 1980s and early 1990s, largely before the new media revolution. In the last part of the presentation, whether and how this regulatory gap in existing international legal obligations--a gap that is generally replicated at the domestic level--can be addressed will be considered.