Address at the PLAIN language conference on "Plain language, citizens and the European Ombudsman"

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Unfortunately, it wasn't possible for me to be in Dublin today but I'm delighted to be able to speak to you from Strasbourg, in France, where the office of the European Ombudsman is based. And even from this distance, I welcome those of you who are visitors to Dublin and to Ireland.

What I have to say this morning, reflecting my experience as European Ombudsman for the past two years, focuses on the need for plain language when the institutions of the European Union are communicating with EU citizens and some of this of course has relevance for all administrations. And by way of background, As European Ombudsman I deal with complaints against the EU administration, the European Commission for example, made by EU citizens and residents as well as by corporate entities with registered offices within the EU.

I work in a multi-lingual environment. The European Union has 28 Member States and 24 official languages. In recent years, English has emerged as the "default" common language, or *lingua franca* . English has displaced French which, for several decades, was the dominant linguistic and administrative influence on what is now the European Union.

Multilingualism is a culturally enriching feature. Any of you who are fans of Irish literature in English will know that two of our greatest Irish writers - James Joyce and Samuel Beckett - thrived as writers only when they moved abroad - to France in the case of Beckett and to Italy, Croatia, France and Switzerland in the case of Joyce. Their engagement with other languages, and particularly so with Joyce, was a significant boost to their artistic creativity.

Oddly, in this morning's context, both of these writers were capable of writing very simply and clearly but also, on occasion, in very convoluted and unclear language. The opening lines of Joyce's Finnegans Wake are enough to send shock waves through the heads of all plain language advocates. He wrote:

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"Riverrun, past Eve and Adam's, from swerve of shore to bend of bay, brings us by a commodius vicus of recirculation back to Howth Castle and Environs."

I mention this because I find that, in the more mundane world of public administration and dealing with citizens, the same institution is capable of both very clear writing and, on other occasions, precisely the opposite.

Inevitably, multilingualism creates communications difficulties that do not arise in an individual state which is monolingual or at least has one very dominant language. In the EU, for example, its legislation has equal validity in each of the 24 official languages and as a result, not surprisingly, it can sometimes be difficult to reconcile linguistic differences between the various language versions.

Plain language - what is it?

But since coming here, I have also realised that what is considered 'plain language' in one culture is not considered so in another. In some countries there is a greater tolerance for lengthy communications, and the use of verbose language, than is the case in English-speaking countries. I have heard it suggested that in some non-English speaking countries there is an expectation that communication from political leaders, and from the administration, will be lengthy and verbose. In 2007, the then Venezuelan president, Hugo Chávez, did a marathon eight hour television broadcast to his people. I can say with confidence that this feat would not be welcome anywhere in the English-speaking world!

In the case of English, the plain language test requires short sentences, simple structure and reliance on a vocabulary and references which the intended audience, or readership, can be expected to understand. This means using language which is inclusionary rather than exclusionary . It involves working within the context of shared meaning between the writer or speaker and the reader or listener. The objective with plain language is to help the reader or listener to understand the message. Plain language is a great help for the many people with reading difficulties; but it is much more than a simplified language for such people

In this plain language universe, there is no place for jargon, for insider language, for displays of verbal precociousness or fluency in another language. In particular, those with legal training have to avoid the temptation to use Latinisms. *Sine die, mutatis mutandis, ratio decidendi* and so on have to be consigned to the dustbin of history - except where the communication is aimed solely at one's own legal colleagues.

Plain language can be even more effective in the written form where it is supported by intelligent design and formatting. Selecting the appropriate font and font size, and the choices made as regards spacing, can contribute significantly to making a document attractive, more readable and indeed more likely to be read.

The length or duration of a communication is also an issue. Increasingly, people are less able to cope with lengthy documents or presentations - and I will say more on this later on. Ideally, at least in the English-speaking world, a communication must not only use clear language but it must also be fairly brief.

This brings me on to the issue of the medium, or media, in which a communication is issued. Increasingly, people do their "reading" on electronic media such as tablets, smartphones and personal computers. This has implications for the message being conveyed because, as Marshall McLuhan preached in the 1960s, "the medium is the message". This, as I understand it, proposes that there is a symbiotic relationship between the content of a message and the medium through which that message is communicated.

The truth of this proposition is best illustrated in the use of Twitter. Being confined to just 140 characters for public tweets, the medium exerts a huge influence on what is actually said and how it is said. A tweet can be no more than a sign-post to a larger message or, perhaps, the conveying of one single fact or idea. Tweeting requires compressed language and the use of abbreviations. In fact, the language of tweeting has evolved into a distinctive language of its own - I was going to say that the language of tweeting is " *sui generis* " but have resisted the temptation!

Where public bodies use Twitter to communicate with citizens - as is happening increasingly - the need to use plain language is the same as in the use of any other medium. The key test is that the words and characters used must make sense to the average citizen - and not just to Twitter geeks.

Ombudsman promotion of plain language

As European Ombudsman, I promote the use of plain language by the EU administration for a very simple reason: it is a requirement of good administration. The right of EU citizens to good administration is a legal right. The EU Charter of Fundamental Rights, which has the force of law within the EU, recognises the right to good administration. This right, under Article 41 of the Charter, provides that a EU citizen is entitled have his or her " *affairs handled impartially, fairly and within a reasonable time by the institutions, bodies, offices and agencies of the Union* ".

Implicit in this right to good administration is the right to receive clear and effective communications from the EU's institutions - whether in relation to one's own affairs or in relation to the role of the institutions more generally.

I think it is fairly obvious that poor communication on the part of an institution can have negative consequences both for the institution itself as well as for citizens whom it is meant to serve.

The negative consequences of poor communication by public institutions are much easier to see at national level where public authorities are dealing with very immediate and pressing issues: health services, housing, social security, taxation and so on.

At EU level, the issues are often not as immediate on an individual, personal level but are nevertheless important. For example, if the European Commission fails to explain properly why it has decided to disallow certain expenses claimed by a contractor, or project operator, this can give rise to prolonged exchanges and the wasting of much time and energy on both sides.

Or if the EU's anti-fraud office – known as OLAF - fails to explain clearly what action it has taken in response to a whistleblower or other report of possible fraud, the person making the report may believe that no action was taken. This, in turn, will give rise to frustration on the part of the reporter, to lengthy follow-up contacts with OLAF, and to the likelihood of a complaint to the European Ombudsman. This kind of scenario would never come about if the initial communication from OLAF, to the reporter, had explained clearly that action was being taken.

Plain language: challenges for the EU

All governments and their public bodies face challenges in seeking to use plain language in engaging with citizens. The EU, given its governance arrangements and its 24 Treaty languages, faces more challenges than most. Perhaps a vast country like India, with its plethora of languages, may face a somewhat similar challenge.

I am concerned here specifically with the question of the use of plain English by the EU and its administration.

One of the peculiarities of the EU in this context is the way in which English has emerged as the default common language. This means that English is being used by EU politicians, administrators and civil society groups where, in the vast majority of cases, it is not the speaker's (or writer's) first language.

The term Euro-English or Eurish is often used about this variant of mainstream English. Some native English speakers use these terms with a certain amount of disdain. For my part, I have the greatest respect for EU civil servants and others speaking and writing Euro-English. Their overall linguistic abilities generally put to shame many of us who have English as our first language. Nevertheless, this variant of English can have some negative effects and is not always conducive to clear communication.

I think those who use Euro-English are genuinely surprised to find that native English speakers struggle frequently to understand some of what passes for their first language. There are two sides to this problem.

The first is the inevitability that any self-contained world – and the so-called "Brussels Bubble" is very much a self-contained world – will develop its own jargon and insider language. Just at the moment, my favourite jargon term is "horizontal rules". I'm still not entirely sure what it means.

The second side is that the English used within the EU government and administration is

influenced heavily by other languages, principally French.

In Euro-English, legislation never "provides" but it "foresees"; documents are not held on a file but on a "dossier"; and work is not assigned to staff but it is "attributed"; procedures are not subjected to checks but to "controls"; decisions are never made but they are "adopted". A senior person never says or states something but he "emphasises" or "stresses"; or, if those words have been already used you'll find him "underlining". In fact, senior EU people "underline" until they are blue in the face!

Another feature of Euro-English is a heavy reliance on the passive voice: "it must be borne in mind ..." and "it must be emphasised ...".

William Robinson has explained the emergence of Euro-English as follows :

" *The English used in EU texts is often specific to the EU and based on institutions, principles and concepts that have developed, originally in French, over 50 years. The English terminology used, as originally chosen by the early translators for use in the treaties and legislation, has become hallowed by usage and harder than ever to depart from as the years go by* . "

These features of Euro-English may seem harmless and it may seem that it is over-the-top to draw attention to them. In fact, there is a serious side to this. Euro-English can have some negative consequences.

The obvious difficulty is that a native English speaker – and presumably other English speakers who are not part of the "Brussels Bubble" – will find much of this language difficult to understand. The more insidious problem arises from the fact that Euro-English has the capacity to alienate readers or listeners who do not find that it is inclusionary. In fact, the combination of jargon, odd use of terminology and unusual word sequence undermines the sense of a shared meaning which is an essential characteristic of plain language.

In May 2014, I spoke at a conference in London on a somewhat similar theme and my contribution was picked up by Michael Skapinker, a writer with the Financial Times. He referred to a 2009 survey which found that, while 90 per cent of European Commission staff regarded English as their main drafting language, only 13 per cent of these officials were native speakers of English. He accepted that while "Eurish" – as he terms it – "helps non-native speakers talk to each other, Brussels Eurish affects the way the EU talks to native speakers". And the consequence of this, he said, is to make the EU even more alien for native English speakers.

One of the sub-headings to Skapinker's piece reads: " *Brussels dialect is a gift to the EU's foes* ". He observed:

" *As the EU has 24 official languages its announcements in English are aimed not at Italian executives living in Copenhagen or German lawyers in Brussels, but at ordinary UK and Irish citizens. The further Brussels English drifts from theirs, the more alien the EU seems* ."

Skapinker may well be correct in his analysis. However, I think that it requires some qualification. The alienation effect of Euro-English is likely to be more pronounced in Britain than is the case with Ireland. This is simply because Irish people generally hold a positive view of the EU while in Britain, as the present "Brexit" debate shows; there is a lot of negative sentiment towards the EU.

In fairness to the EU institutions, and to the European Commission in particular, it is aware of these language issues and has been attempting to grapple with them for some years. Realistically, the challenge facing the EU in this area is major. Compared to public administrations in its individual Member States, the EU administration is relatively small in terms of staff numbers and resources. At the same time, and recently perhaps more than ever, the EU is attempting to cope with a myriad of crises both internally and externally.

Real progress will require an on-going language awareness campaign for EU staff together with the support of dedicated communications professionals. In addition, within each administrative unit of the EU a senior manager should have specific responsibility for ensuring the use of plain language in all communications. This is far from being an easy task. It is a task never quite completed but one to be pursued constantly.

The EU is not alone in having a hit-and-miss approach to the challenge of meeting the plain language test. I was struck recently by the very variable quality of two communications from United Nations agencies. On the one hand, I was impressed with the very clear and powerful statement issued on 4 September by the UN High Commissioner for Refugees dealing with the refugee crisis in Europe. The statement said, in part:

" *Europe is facing its biggest refugee influx in decades. More than 300,000 people have risked their lives to cross the Mediterranean Sea so far this year. Over 2,600 didn't survive the dangerous crossing, including three-year-old Aylan, whose photo has just stirred the hearts of the world public. After arriving on Europe's shores and borders, they continue their journey – facing chaos and suffering indignity, exploitation and danger at borders and along the way* .

... overall, Europe has failed to find an effective common response, and people have suffered as a result."

On the same day, 4 September, the UN Committee on the Rights of Persons with Disabilities issued its concluding observations on the initial report of the EU on its implementation of the UN Convention on the Rights of Persons with Disabilities. These observations included the following:

 " *The Committee recommends that the European Union mainstream women and girls with disabilities' perspective in its forthcoming Gender Equality Strategy, policies and programs, as well as a gender perspective in its disability strategies* . "

And there was much more in that same vein. I do not doubt but that this second statement can be understood by those to whom it was primarily addressed – EU officials, European Parliament

members, my own office as well as NGOs active in the disability area. But I suspect that an ordinary reader would not have the insider knowledge, or indeed the patience, to get to grips with the Committee's statement.

Clearly, the statement by the UN High Commissioner for Refugees was a high priority one and presumably benefited from the involvement of a communications professional. The conclusions of the the UN Committee on the Rights of Persons with Disabilities was a more routine communication and may not have had the benefit of a communications professional. The fact remains however - and this applies to the EU and perhaps to all international organisations – that routine communications are the norm; and, where communications are routinely drafted in language that is not plain, then a cumulative alienation can be the consequence.

Plain language not always enough

However, I think it is good to bear in mind that plain language by itself does not always head off all problems. This is particularly true in the case of legal instruments such as national Constitutions and international conventions. Many of these are written in direct and apparently clear language.

For example, Article 2 of the Treaty on European Union reads:

" *The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail* ."

Or, to take another example, Article 22 of the Charter of Fundamental Rights of the European Union reads:

" *The Union shall respect cultural, religious and linguistic diversity* ."

Or the European Convention on Human Rights (to which the EU is a signatory) proclaims, at Article 4, that:

" *No one shall be subjected to torture or to inhuman or degrading treatment or punishment* ".

In my view, each of these examples satisfies the plain language test. The communication is direct and without structural complication; the words are mostly straightforward even if somewhat abstract; there is no jargon or exclusionary language. While we might think we understand what is meant in each case, in fact the application of any one of these provisions to a concrete situation is likely to lead to a number of alternative outcomes and to possible court challenge.

Take the case of Article 22 of the EU Charter of Fundamental Rights. If the EU is to respect

linguistic diversity, how far does this respect go? Does it require each EU institution to produce all of its publications and communications in each of the 24 Treaty languages? Or is it enough that a citizen can communicate with any EU institution in in any of the Treaty languages and be entitled to a reply in that language? This is hardly the case since this right is specifically provided for already at Article 20 of the Treaty on the functioning of the European Union.

You'll be relieved to know that I do not intend to try to resolve this issue here this morning. My point is that plain language will not always clarify or resolve complex issues.

Information Overload?

Before finishing, I would like to mention briefly the question of information overload and the impact of social media and electronic communication generally.

In Europe, and probably at a global level also, more and more people are getting their information electronically. Social media, which may have been intended originally for interpersonal and social communications, are being used extensively for commercial and public administration purposes. The manufacturers of mustard or of bathroom paper, to take just two examples, now invite us to "follow" them on Facebook. And indeed my own office invites people to follow us on Facebook.

News and communications generally operate on a non-stop basis. More and more, people are skim-reading rather than absorbing complete articles or texts. Most of you listening to me now – if you have not already done so – will whip out your smartphones or other devices immediately I finish my contribution.

Our reliance on communications technology is approaching the level of addiction.

The questions this raises include:
- does more communication mean better communication?
- does over-exposure to communication reduce our capacity to absorb information?
- does the widespread use of graphics, rather than text, imply a significant shift away from language?
- has a generation emerged already for whom the traditional form of written communication is almost irrelevant?

All of these questions, which I will not attempt to answer, are directly relevant to the plain language movement.

I wish you well for the rest of the conference and for your stay in Dublin.