

The role of ‘educated native speakers’ in providing language analysis for the determination of the origin of asylum seekers

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ABSTRACT

This paper speaks to a debate which has arisen across various branches of linguistics (see Eades, 2009) regarding the relative levels of responsibility that should be given to (a) qualified linguists with professional expertise in a particular language, and (b) ‘educated native speakers’ of the language, in conducting Language Analysis for the Determination of the regional or social Origin of asylum seekers (LADO). It reviews existing evidence from the phonetic and sociolinguistic literature regarding the reliability of accent judgments by linguists and non-linguists. It argues that, while LADO is a valid form of assistance to offer in the asylum process, careful evaluation of its limitations, in general and in specific cases, is crucial - as in other branches of forensic linguistics. The paper concludes by calling for (a) a proper research program to investigate people’s actual abilities in recognising, discriminating and identifying accents under various sociolinguistic conditions; (b) collaboration between LADO agencies and linguists to develop analysis and testing procedures; and (c) a system of accreditation by an independent, international authority for the agencies that carry out LADO.

Keywords

LADO, language analysis, accent identification, asylum seekers, perceptual dialectology

1 Introduction

Languages are not monolithic. Rather they are characterised by regional and social variation (Chambers, Trudgill and Schilling-Estes, 2004). This means that the way a person speaks can provide information about their regional and social background (Laver, 1994). Indeed, people are constantly using speech in everyday situations to make judgments, whether fair or unfair, about the regional and social background of others (Lippi-Green, 1997).

It is no surprise, then, that governments, faced with the problem of determining the regional or ethnic origin of people who claim refugee status but have no papers to confirm their identity, seek to use language analysis to help distinguish genuine asylum seekers from ‘economic migrants’ (Eades, 2005a; McNamara, 2005). Language analysis used in this context has come to be called ‘LADO’.

From the point of view of linguistic science, LADO is an entirely reasonable pursuit. There are many examples of linguistic expertise having been used to help determine the regional or social origin of speakers in a wide range of contexts (French, Harrison

and Windsor Lewis, 2006; Labov, 1985), and no obvious reason why such expertise should not also be used for LADO.

However, the conduct of LADO clearly needs to be carefully regulated. It is well known that people without extended training in academic linguistics are often ignorant not just about many aspects of language, but about their own ignorance, and so tend to put unjustified faith in their own 'folk knowledge'. Linguists of all persuasions have been engaged for many years in fostering appreciation of linguistics as a discipline among other professions and in society at large (Hudson, 1981), promoting the view that a 'linguist' is not someone who can speak several languages or knows 'good grammar', but someone with advanced academic qualifications and professional expertise in the science of language - equivalent to a chemist, psychologist or engineer.

Regulation is especially necessary in forensic contexts. Forensic linguists are familiar with the kinds of problems that can arise when confident assertions by a non-specialist are accepted as evidence on a linguistic matter (Rodman, 2002). This need not involve deliberate deception. In the best of faith, people with insufficient training in the appropriate branch of linguistics can simply give too much credence to confident but inexpert opinions about language and speech.

The question with regard to LADO then is: under what circumstances are judgments about speakers' regional and social identity accurate and reliable enough to form the basis of a decision whether an asylum seeker should be granted the status of refugee, or be 'deported to danger' (Glendenning, Leavey, Hetherington, Britt and Morris, 2004)?

The present paper addresses a debate about this question which has emerged recently. It starts by providing some relevant background, then reviews existing literature on the reliability of native speaker judgments of regional accents, and goes on to discuss some of the issues underlying the debate about the respective roles of native speakers and linguists in LADO. It ends with several proposals, including the need to establish a system of accreditation for the agencies which carry out LADO.

2 Background

In 2003, a group of Australian linguists (led by Diana Eades and including the present author) became aware that language analysis of very poor quality had been accepted by the Australian immigration department as evidence for the nationality of asylum seekers. They examined a selection of 58 cases containing reference to language analysis available from the Australian Refugee Review Tribunal (RRT), which publishes a percentage of its rulings, sometimes containing excerpts from the documents on which findings have been based, through its website (<http://www.mrt-rrt.gov.au/decisions.asp>).

This analysis revealed that Australian immigration authorities routinely commissioned LADO from overseas agencies, and that these analyses were sometimes of shockingly low quality - to the extent that several Tribunal Members themselves expressed concern about their validity. Typically, an anonymous translator/interpreter provided highly confident judgments of speaker origin on the basis of a small number of lexical items and poorly described linguistic patterns observed in a short tape-recorded interview. Readers unfamiliar with the kinds of reports in question are referred to Refugee Appeal no. 73545/02 of the New Zealand Refugee Status Appeals Authority, 2002 (available at <http://www.refugee.org.nz/Fulltext/73545-02.htm>).

The Australian group wrote up their findings into a report, which provided some basic facts about language and identity, and a simple explanation of why LADO, like all linguistic analyses, should be commissioned from fully qualified scientific linguists,

and called on the Australian government to stop using LADO until it could be properly regulated in accordance with widely accepted standards of academic linguistics. This report (here referred to as the 'Australian Report') was later published in a peer reviewed journal as Eades, Fraser, Siegel, McNamara and Baker, 2003.

Discussion of these issues at a special session, (*Pidgins/Creoles and 'Language Analysis'*, chaired by Jacques Arends) at the 2003 conference of the Society for Pidgin and Creole Linguistics in Honolulu, confirmed that similar LADO practices were current in a number of other countries, to the similar concern of other linguists (cf. Reath, 2004). Diana Eades therefore convened an extended internet-based discussion among a much larger, international group of linguists, many of them active practitioners or observers of LADO, about the appropriate regulation of LADO practice. This group (the Language and National Origin Group, or LNOG) drafted a set of guidelines intended to be of use to government and legal professionals 'in deciding whether and to what degree language analysis is reliable in particular cases' (Language and National Origin Group, 2004: 261).

These Guidelines were ultimately signed by a subset of 19 of the discussants, and published in a special issue of the *International Journal of Speech Language and the Law* - the peer-reviewed house journal shared by the International Association for Forensic Phonetics and Acoustics (IAFPA) and the International Association of Forensic Linguists (IAFL) - along with a selection of other articles on relevant topics (Eades and Arends, 2004). The Guidelines were subsequently published in several other refereed journals, discussed at academic conferences, and endorsed and publicised by a number of academic organisations (an updated list is kept by Peter Patrick at <http://privatewww.essex.ac.uk/~patrick/lhr/linguistichumanrights.htm>). By 2007, the Guidelines were well established in the forensic linguistics literature, with no arguments, criticisms or objections having been published, and were being referred to by authorities in a number of countries around the world (Eades, 2005b).

Since the Guidelines were intended to express standard views in linguistics, and were drafted through a thoroughly consultative process, they were not considered controversial. Perhaps the least controversial, for reasons outlined in the Introduction above, was Guideline 3:

3. Judgments about the relationship between language and regional identity should be made only by qualified linguists with recognized and up-to-date expertise, both in linguistics and in the language in question, including how this language differs from neighboring language varieties.
(LNOG, 2004: 262)

It came as a surprise, then, to find, in 2007, that Guideline 3 had been challenged by a fellow linguist. Tina Cambier-Langeveld, a well-qualified phonetician formerly of the Netherlands Forensic Institute and recently moved to the Office for Country Information and Language Analysis of the Netherlands Immigration and Naturalization Service (IND), presented a paper at a specialist Workshop on LADO in Amsterdam (Cambier-Langeveld and Samson, 2007).

As a practitioner working in immigration cases, she expressed concern that the judgment of native speakers was inadequately consulted in determining the origin of asylum seekers:

The risks when no native competence is involved in L[anguage A[nalysis]] [are that] a linguistic expert who is not a native speaker can never be expected to acquire a 'native ear'. The *presence* of speech features is tested. The *authenticity* of these features is not tested.
(Cambier-Langeveld and Samson, 2007: 8, orig emph)

However, rather than calling for a strengthening of Guideline 3 to insist that the analysing linguist, if not already a native speaker, should be required to consult a native speaker, she argued, against the Guidelines' insistence that the analyst must be a qualified linguist, that the analysis itself should be conducted by a native speaker:

It requires the language competence and experience of a native speaker to judge whether the speech is authentic (convincing)

(Cambier-Langeveld and Samson, 2007: 7 orig emph).

Recognising that '[native speakers] should never perform LA by themselves without supervision of a linguist' (p.7), she offered assurance that all the analysts used by the IND were supervised and tested by qualified linguists to ensure 'reliable analysis is still possible in most cases' (p.15).

The audience, mainly sociolinguists and LADO practitioners, and including some signatories to the Guidelines, reportedly opposed this weakening of Guideline 3, emphasising the arguments in the Guidelines' documentation, especially the difficulty of defining 'native speaker' in multilingual contexts such as those in which LADO is relevant (Guidelines 8 and 9).

A few weeks later, Cambier-Langeveld presented a similar paper to the IAFPA conference in Plymouth (Cambier-Langeveld, 2007b), and also sought support from the IAFPA Annual General Meeting (AGM) for a statement recognising the role of native speaker judgments in LADO. Discussion at the AGM urged caution on the grounds that the IAFPA membership had little experience with LADO. It established a Working Group of 4 members, headed by Tina Cambier-Langeveld, to look into the issues and report back to the 2008 AGM with recommendations for action, and in the meantime endorsed (unanimously) a modified version of the statement as an 'interim resolution' for display on the IAFPA website:

Interim Resolution

In cases involving the analysis of language and speech for the determination of national identity, IAFPA recognises the contribution to be made by:

- (i) Linguists and educated native speakers with the latter working under the guidance and supervision of the former;
 - (ii) Linguists with in-depth research knowledge of the language(s) in question.
- The conclusion expressed should in all cases reflect not only the strengths and weaknesses of the material analysed but also of the personnel involved.

(<http://www.iafpa.net/langidres.htm>)

My experience working on the Australian Report and the Guidelines gave me reason for concern about this Interim Resolution on a number of levels. However, since only those members actually present at an IAFPA AGM are allowed to participate in discussion or vote on resolutions, I was unable to express my concerns to fellow members at the time. I therefore took the opportunity to convene a session on LADO at a workshop on Forensic Speaker Recognition hosted by the Human Communication Science Network in Sydney (<http://www.hcsnet.edu.au/summerfest07/workshops/fsrworkshop>) which was attended by a number of IAFPA members.

Discussion at that session and elsewhere suggested to me that there may be some misunderstanding within IAFPA about the Guidelines and about the context in which LADO is conducted. Specifically, it seemed some members might have understood the Guidelines as requiring only that LADO analysts should have expertise in linguistics, with no requirement they should also have expertise in the language being analysed. As has been seen, this is certainly not the case. Additionally there seemed to be a belief that the Guidelines had been drafted by sociolinguists without consultation of phoneticians. In fact, as has been seen, the Guidelines were drafted via consultation

with a large group of linguists from many backgrounds, including several IAFPA members - though I was the only member to eventually sign the final version.

Finally, there seemed to be a perception that, because of this lack of consultation with phoneticians, the Guidelines may have failed to observe that native speaker judgments of regional origin were more reliable in relation to the phonetic aspects of speech, i.e. accent, than to other aspects of language. This did intrigue me. Could it be that native speaker judgments of accent were the exception to the rule underlying the Guidelines' strong recommendation that linguistic expertise was essential in LADO: that judgments about language based on 'folk knowledge', while sometimes accurate, are not reliable enough to be the basis of important decisions? I decided to undertake a review of the literature on this topic for the 2008 IAFPA conference (Fraser and Pedersen, 2008). That paper formed the basis of the following section.

3 Literature review: How well can people identify accents?

Accent has been studied from a wide range of perspectives by a number of different disciplines, and a great deal is known about phonetic variation in general (Bayley and Lucas, 2007; Jannedy and Hay, 2006), and about specific accents of a number of (especially European) languages (e.g. Wells, 1982; Keller, 1961).

The question to be addressed here is the accuracy with which people can use accent features to identify a speaker's regional or social/ethnic origin. Unfortunately, a thorough literature review revealed there is very little research that bears directly on the LADO situation. However, there are a number of published studies, motivated by a range of concerns, which provide relevant findings. This section reviews those findings, and the next discusses their relevance to the LADO context.

3.1 Speaker Identification

A study well known in forensic phonetics is Markham (1999). This was undertaken with the aim of testing how well speakers can fake a regional accent, but ended up with findings about how well listeners could identify regional accents. Markham asked eight native speakers of Swedish, chosen for their aptitude with pronunciation, to read a passage in

- (a) their own native accent
- (b) a regional accent of Swedish other than their own.

He then asked eight native speakers of Swedish, all 'phonetically trained linguists who claimed a good awareness of Swedish regional accent differences' (Markham 1999: 292) to judge

- (a) what regional accent each speaker was using
- (b) whether the accent was authentic or fake.

The results are complex, and Markham's discussion is oriented more towards a speaker-identification context than a LADO context. It is interesting to note, however, that his method was based on the assumption that the phonetically trained linguists would be good judges of whether a regional accent was authentic or fake - the aim of the experiment was to test the speakers not the judges. Nevertheless at the end of the paper he notes explicitly:

One final comment to be made regarding the behaviour of the judges relates to the reliability of judgments. Notwithstanding the actual production characteristics which could influence listeners, it became clear when collating the data that some judges were far less able to successfully identify dialectal accents or dialectal colouring in accents than the rest of the group. This was

despite assurances from all judges that they had a good ear for Swedish accents.
(Markham 1999: 297)

Neuhauser and Simpson (2007), also working in a speaker identification context, aimed to extend Markham's findings by considering speakers' ability to fake a foreign accent (as opposed to a regional accent of their native language). Again they start from the assumption that native speakers are good at identifying accents, citing a study by Munro, Derwing and Burgess (2003) as showing 'that listeners are capable of identifying a foreign accent even in reversed speech samples' (Neuhauser and Simpson, 2007: 1805). It is interesting to note that this citation suggests a rather larger claim than is really warranted by the data presented by Munro et al, who in fact had found that English speakers could discriminate whether samples of reversed speech had been spoken in native or Mandarin-accented English with a mean accuracy of around 70-75%, and a range from below chance (50%) to nearly 100%. This is a significant finding, but not quite worthy of the general capability statement suggested by Neuhauser and Simpson.

To explore their questions, Neuhauser and Simpson used a single, very complex, sentence of German, recorded by

- a) 15 native speakers of German faking a foreign accent
- b) 6 non-native speakers of German using their own authentic (French or English) non-native accent
- c) foils from a range of language backgrounds.

They then asked 22 non-linguist native speakers of German with knowledge of both French and English to listen to these recordings and

- a) identify the accent with which the German sentence was spoken
- b) state whether the accent was an authentic non-native speaker or a native speaker faking a foreign accent.

With respect to the identification task, they found, interestingly, that speakers are generally better at identifying the accent of a native speaker faking a foreign accent than at identifying an authentic non-native speaker, and argued that this was likely because of the presence of stereotypical cues in the fake foreign accents, which are more readily identified than the genuine cues of the authentic accent. With respect to the second task, the Neuhauser and Simpson results, as in the Markham study, are complex and not oriented towards a LADO context. However, though the judges in this experiment, unlike the Markham study, were non-linguists, again the authors comment:

Although the performance of the listeners at identifying an accent was generally good, their ability to judge the authenticity of the accent being produced/imitated was less so, providing little support for hypothesis 1, that listeners are able to tell whether somebody is imitating an accent or is in fact a genuine non-native speaker.
(Neuhauser and Simpson, 2007: 1808)

While it is fair to say that performance of Neuhauser and Simpson's subjects in identifying an accent was generally good, it is worth emphasising that it was far from perfect, with some individual listeners performing quite poorly. This is in line with another study on foreign accent identification by Derwing and Munro (1997). Part of that experiment required a forced choice between four foreign accents (Spanish-, French-, Chinese- and Japanese-accented English) to be made by subjects who were variously familiar with some but not all of these accents. Overall scores averaged around 50%, which, while well above chance (25%), is far from fully accurate, and,

as in their study cited earlier, individual scores varied widely. Derwing and Munro note that subjects' familiarity with the accent increased average accuracy somewhat but still only to the extent that score and familiarity correlated at $p = 0.04$.

3.2 Speech Technology

Another context in which ability to identify accents has been studied to some degree is speech technology. Ikeno and Hansen (2006, 2007) aimed to benchmark human performance as a precursor to testing the performance of automatic speech-based security systems. Short utterances (words, phrases, and sentences) were extracted from spontaneous speech by speakers of English with a wide variety of US, UK and non-native accents. 33 listeners in three groups (UK, US and non-native) were asked to

- a) identify the speech samples as native or non native
- b) classify them against (unnamed) reference samples of Belfast, Cardiff or non-native accented English
- c) provide an orthographic transcription of them (as a measure of intelligibility).

Again, a complex picture emerges, showing significant effects of native language and dialect (for example, UK listeners were better at identifying UK accents than US or non-native accents) and sample duration (scores were better for longer samples than shorter). Importantly, however, the very best performances were around 90%, with most around 60% and some far lower. The authors conclude that accent classification is a complex cognitive process affected by many variables outside the speech signal itself.

Carol Pedersen, as part of her in-progress University of Queensland PhD on automatic accent classification, undertook a study in the United Arab Emirates (Pedersen, 2006). Like Ikeno and Hansen, she was interested in benchmarking human performance, specifically in determining what duration of speech was needed for listeners to identify an accent. She collected 40 samples of Indian- and Arabic-accented English, and played them to 12 native or highly proficient speakers of English, all very familiar with both Indian and Arabic accented English. Subjects were asked to identify the accent in a forced choice task, and rate their confidence in their response. Usefully, it was found that subjects were able to classify accents in a matter of seconds. However, here too, wide variation was observed in accuracy of performance, and, importantly, accuracy correlated poorly with confidence.

3.3 Perceptual Dialectology

Perceptual Dialectology 'investigates what ordinary people (as opposed to professional linguists) believe about the distribution of language varieties in their own and surrounding speech communities, and how they have arrived at and implement those beliefs' (Preston, 1999). The very existence of this field of study suggests a divergence between the views of professional linguists and ordinary people. In addition to this generalisation, however, several studies yield actual evidence that accent identification is far from fully accurate.

A particularly thorough study is Clopper and Pisoni (2006). This begins with a review of numerous findings showing that listeners' abilities to identify regional accents is limited and variable, and goes on to report an experiment aimed at identifying the listener characteristics that correlate with ability to recognise a range of accents, with a focus on residential history and linguistic experience. The authors recorded 48 native speakers of six regional dialects of American English, each reading two of a set of 96 sentences designed to highlight distinctive pronunciation features of those six regional dialects. They then asked 99 listeners from two accent groups and two

listener types (categorised as 'mobile' or 'non-mobile', to capture their degree of experience with other dialects), to identify the regional origin of each speaker in a forced choice among six named regions (including their own home region). The results show a complex interaction between factors of own/other dialect and mobile/non-mobile listener, which the authors discuss in detail. For present purposes it is relevant to point out that overall accuracy, though significantly above chance (17%), is quite low at 26%, with a range of 10% to 40%.

Similar levels of accuracy for identification of regional accents of the UK and the Netherlands are quoted by two papers in a special issue *Attitudes, Perception and Linguistic Features* in the Journal of Language and Social Psychology (Purnell, Idsardi and Baugh, 1999; van Bezooijen and Gooskens, 1999).

Niedzielski (1999) in the same special issue, gets to the heart of the matter with an ingenious experiment motivated by the observation that speakers have little awareness of the factors that influence their judgment of accent - specifically, that Detroit speakers associate a particular pronunciation of certain vowels with Canadian accented English, and do not notice that the very same pronunciation is also common in their own local variety.

Niedzielski made recordings of 50 sentences read by a Detroit speaker, and synthesized several series of 6 vowels with continuously varying formant heights. She then played the sentences to 41 native speaker residents of the Detroit region, and asked them to listen to the synthetic vowels to determine which one most closely matched the vowel of a particular word in each sentence. All participants heard the same recordings of the same speaker saying the same sentences, but half were led to believe the speaker was from Detroit, and half that he was from Canada. The results show many fascinating aspects of the effect of listeners' preconceptions on accent judgments. For present purposes the most relevant finding is the highly significant effect of listener expectations and assumptions on accent identification. Similar findings were obtained by Hay, Nolan and Drager (to appear) in a replication and extension of Niedzielski's experiment exploring aspects of listener beliefs about Australian and New Zealand accents - again showing highly significant effects of listener assumptions about whether they were judging Australian or New Zealand English on their accuracy in identifying samples of their own or another very well-known accent.

Another source of evidence about accuracy of identification is the Evaluating English Accents Worldwide project (<http://www.otago.ac.nz/anthropology/Linguistic/Accents.html>). This large, web-based study conducted by the University of Otago in New Zealand aims to study listeners' attitudes to speakers (i.e. whether the speaker is considered powerful, friendly, intelligent, etc) based on their accent. The study presents a single passage read by male and female speakers with Australian, New Zealand, British or US accents, and asks large numbers of subjects from a wide range of language backgrounds to

- a) identify the accent
- b) rate the speaker for a range of personality features.

In this study, identification scores reach maxima of around 90% but are often much lower, even for native speaker listeners judging their own or a very familiar accent.

3.4 Conclusion from the literature review

The studies summarised above cover a wide range of different types of task (identification, recognition, discrimination) under a wide range of different conditions. None of them called for the kind of analysis and justification required in a

LADO judgment. There is a clear need, as discussed further below, for research which relates more directly to the kind of analysis undertaken for a LADO report.

However, taken together, these studies give little reason to assert that non-specialist listeners are in general any more reliable in relation to accent judgments than they are in judging any other aspect of language.

As stated at the outset, people are constantly making fine-grained judgments about the regional and social origin of others. These judgments are rarely tested for accuracy, so it is hard to know how accurate they really are. Apparently they are 'good enough' to give people confidence in making such judgments in everyday situations. However, this confidence may be influenced by a natural inclination to notice corroboratory evidence, rather than by the deliberate quest for falsification required by scientific method (Chalmers, 1982).

The important thing is that, in the everyday case, these judgments are based on many aspects of context, background knowledge and prior expectations, as well as on speech characteristics. However, people *attribute* their judgments to characteristics of speech itself, ignoring the contribution of context (cf. Fraser 2003, Frith, 2008). Thus, many believe they can tell where others come from by *their accent alone*.

This ability can be tested, and the studies just reviewed show clearly that when listeners are forced to make judgments on the basis of the speech signal alone, with restricted contextual information, they are not nearly as accurate as they expect to be. More importantly, if the speech signal is heard in a deliberately or accidentally misleading context, accuracy drops even further. Even more importantly, this lowered level of accuracy is not reflected in a diminution of people's confidence in their own judgment. Thus, those studies that measured confidence found it to be a poor predictor of accuracy.

Australia provides a perfect example of these points. Australian English has extraordinarily low levels of regional variation (Collins and Blair, 1989), to the extent that trained linguists expect *not* to be able to identify regional accents with high levels of accuracy. However, untrained people constantly assert their ability to recognise other Australians' regional origin from their accent, and are very willing to back up their assertions by reference to specific accent features, even where these are known not to be restricted to the region in question. To my knowledge there has not yet been a full scale investigation of their actual ability to do this, but see Bradley (1989) for some confirmation of predicted low levels of accuracy when these assertions are put to the test.

The situation can be readily compared to that of eye- and ear-witnesses. People are so used to making rapid judgments about what they see and hear, and their judgments so often turn out to be 'good enough' for everyday purposes, that they come, not just to trust their perceptions, but to attribute their perceptions to the external stimuli. However, much evidence shows that perception can be influenced by many factors outside the stimulus itself (Research Board of the British Psychological Society, 2008). It is for this reason that eye witnesses are notoriously unreliable in forensic contexts (Thomson, 1999), and ear witnesses are well known to have highly variable accuracy (cf. Barry, 2008; Eriksson and Öhman, 2008; Clifford, 1980).

Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide, playing a role in more than 75% of convictions overturned through DNA testing.
(The Innocence Project <http://www.innocenceproject.org>)

In comparison to eyewitness identification in similar circumstances, earwitness accuracy is poorer ... confidence is of very little diagnostic value. (Olsson, Juslin and Winman, 1998).

None of this means that native speaker judgments of accent cannot be used as evidence. It does mean that the reliability of such evidence cannot simply be accepted as a matter of course. Even if the native speaker judgment is based on 'analysis', and apparently backed up by reference to features of the language, by definition such analysis conducted by a native speaker without qualifications in linguistics must necessarily be inexperienced.

For this reason, all native speaker judgments must be evaluated by an appropriately qualified expert, preferably one with sufficient experience of the forensic context to recognise that even the judgment of experts can be subject to error, as was found in the Markham (1999) study cited above.

Forensic linguists are well acquainted with the issues surrounding such evaluation. Linguistic evidence is rarely accurate to anything like the levels of DNA or fingerprint evidence. Nevertheless, when presented with appropriate care and caution, it can be very useful in legal cases. Indeed the lack of such evaluation, or the production of highly confident conclusions, can be a strong indication that the analyst is not a linguistic expert, as is well recognised by the IAFPA Code of Practice, especially clauses 4 and 5:

4. Members should make clear, both in their reports and in giving evidence in court, the limitations of forensic phonetic and acoustic analysis.

5. In reporting on cases where an opinion or conclusion is required, Members should make clear their level of certainty and give an indication of where their conclusion lies in relation to the range of judgments they are prepared to give. (IAFPA Code of Practice <http://www.iafpa.net/code.htm>).

To return, then, to the LADO context, all of this indicates that Guideline 3 is valid, appropriate and useful. It provides a first line of defence against over-confident judgment by unqualified people being accepted as evidence for important decisions. Of course, it is possible that even qualified linguists with expertise in the language in question can still make errors of judgment. If this is happening routinely, it is clearly a problem that needs to be addressed.

4 The Interim Resolution

The problem raised by Cambier-Langeveld in her 2007 presentations, then, is potentially an important one, as we will consider in more detail below. The Interim Resolution, passed at the 2007 IAFPA AGM and posted on the IAFPA website, however, is not a solution. Indeed, rather than solving the problem it is intended to address, it creates a whole range of additional problems.

One issue is that the Interim Resolution is presented as a bare statement, with no indication of its own status (How long is this 'interim'? What will bring it to an end?), and no guidance on how it is to be interpreted and used, how it relates to the LNOG Guidelines or other materials, who its intended audience is, or what it is aiming to achieve. Of course, members present at the 2007 IAFPA meeting will know the intention: to guard against a perceived situation in which the opinion of a linguist with knowledge of a language but without a 'native ear' is automatically given precedence over that of a native speaker supervised by a linguist. However, no reference to this or any other background is given with the Interim Resolution, leaving open the possibility of misapplication or misinterpretation.

The probability of misinterpretation is increased by problems in the wording of the Interim Resolution itself. In the interests of caution, it has been made vague. Consider, for example, the phrase 'educated native speakers'. Native speaker of what? Educated in what subject? At what kind of institution? To what level? Lack of clarity on these issues raises the potential for the Interim Resolution to contradict the Guidelines in more ways than intended.

Consider further the statement that the 'educated native speakers' should work 'under the guidance and supervision of a linguist'. How is 'linguist' defined here? A particular omission would appear to be lack of any requirement that the supervising linguist have any expertise at all in the language under analysis. What kind of 'supervision' is meant? The practice of supervisors testing analysts' ability has been raised frequently in discussion but is not mentioned in the interim resolution. It is common for linguists to 'consult' native speakers, or to use native speakers as 'informants', though in these cases, it is usual for the linguist to have considerable expertise the language under investigation. However, there is no clear model for how to interpret 'supervised'. Without clarification, it could potentially bring the Interim Resolution into conflict with IAFPA's own Code of Practice, which states:

9. Members' reports should not include or exclude any material which has been suggested by others (...) unless that Member has formed an independent view.

<http://www.iafpa.net/code.htm>

The IAFPA AGM was naturally inclined to accept the word of Tina Cambier-Langeveld, a qualified and experienced linguist, and a fellow member bound by the IAFPA Code of Practice, that analysts employed by her own agency (IND) are appropriately tested and supervised, but how can we be sure that this is the situation in all other LADO agencies?

This brings us back to the issue that the IAFPA membership has little collective experience of LADO. Even by the 2008 AGM, only about 30% of participants raised their hands in answer to the question, 'Who here has read the Guidelines?', so presumably even fewer were familiar with the broader LADO literature, and only a handful attended the LINGUA workshop (discussed below). This lack of experience would make it difficult for members to predict how the Interim Resolution might be interpreted and used in the wider context. The next section therefore summarises some information about the LADO context, with clarifications prompted by comments made to me by various colleagues at the various meetings mentioned above.

5 The LADO context

It is important to make clear that I have no direct experience of LADO. The following comments are based on knowledge gained from my work on the Australian Report and the Guidelines, my reading of publications such as Eades (2005a, 2008, McNamara (2005), Patrick (2008), Reath (2004) and other materials mentioned above, my general experience with forensic phonetics (Fraser, 1996; 2003; in preparation), and my informal discussions with a range of LADO practitioners and forensic phoneticians, including participation in the 'Workshop on linguistic analyses within the asylum procedure' hosted by the scientific unit, LINGUA, of the Swiss Federal Office for Migration (FOM), and scheduled to overlap the IAFPA conference, specifically to encourage dialogue between academics and practitioners (for details, see

<http://www.bfm.admin.ch/bfm/en/home/themen/laenderinformation/sprachanalysen.html>)

5.1 Language

Informal discussion suggests that some European colleagues may conceptualise the LADO task by analogy with a situation in which a native speaker of a European local dialect recognises another person as being, or not being, a native speaker of the same dialect. There are several issues to raise in respect of this analogy.

First, while the literature review above supports the assumption that people are generally better at recognising their own accent than identifying other accents, it makes very clear that even in this task, even with European languages, they are far from generally reliable, especially if they are intentionally or unintentionally misled by the context.

Second, there are good reasons to think that similar kinds of judgments would be even more difficult in the LADO context. European languages typically have relatively stable populations speaking well-defined dialects which have been subject to linguistic description for centuries. In such cases, it is relatively easy to identify one person as speaking 'the same dialect' as another. Asylum seekers, by contrast, often come from regions characterised by complex multilingualism, creolisation or diglossia, which have had little attention from linguistic science. In many cases populations have been disrupted and displaced by war or disaster, with people living in mixed refugee camps for extended periods, bringing the likelihood of further dialect mixing. Such situations make the identification of an analyst as being a 'native speaker' of the 'same language' or 'same dialect' as the applicant far from trivial - and it can happen that the people speaking the most closely related varieties are the very ones engaged in conflict or disharmony. Most phoneticians are sensitive to such issues. A frequent comment in discussions of LADO, even from those used to giving evidence in sensitive legal contexts, was 'I wouldn't touch it with a bargepole'. However, these phoneticians may be underestimating the role of their own expertise in giving them this cautious recognition of the limits of their own abilities. As we have seen, it is a mark of the non-expert to place unjustified confidence in one's own judgments. Such people might well be quite willing to give evidence in LADO cases.

Third, to my knowledge there is no claim that this task of 'recognising one of us' is in fact the typical scenario in a LADO analysis.

5.2 Agencies

LADO analysis is almost always conducted through agencies set up for the purpose of brokering a relationship between immigration authorities and speakers of relevant languages who can do the work of analysis. By their own account, these agencies turn over an enormous volume of work under severe pressure of time and resources. Given the wide range of languages and dialects from little known regions that have to deal with, it would impose an enormous burden to insist that in every case the analyst must speak the same variety as the applicant, and indeed I have heard no agency claim they do this.

Based on presentations and discussions at the LINGUA workshop, there is considerable diversity among agencies in terms of their attitudes and practice. There did seem to be general awareness of the linguistic issues raised above among the agencies who attended the workshop - which indeed was organised partly with the intention of discussing these very issues. However, there seem to be differing views on their implications: some acknowledge the problems identified by the 2003 Australian report and voluntarily act in accordance with the Guidelines. Others simply assert that, though those problems were real at the time, things are much better now, their analysts are thoroughly tested, and there is no need for the Guidelines.

LADO agencies operate under extreme requirements of confidentiality and security (as shown by the guidelines of the European Union, 2008). Very few are willing to reveal their methods or processes even in confidence. Cambier-Langeveld is one of few who has published anything at all about the methods used by her agency (see, in addition to the presentations already mentioned, Cambier-Langeveld and Samson, 2008) and she herself suggested that ‘doubts on the reliability and scientific nature of our [language analysts]’ were based on ‘unfamiliarity with our procedures’ (Cambier-Langeveld and Samson, 2007: 4).

Other bodies working with sensitive information are subject to requirements of transparency and accountability at some level, but the LADO industry appears to be totally unregulated, and agencies are under no obligation to engage with the general linguistics community. This means there is no one outside the agencies themselves who can access official answers to legitimate questions such as the following:

- given the issues raised in the last section about defining ‘native speaker’, exactly what processes are followed to ensure analysts have the relevant language expertise and objectivity for each case?
- given that, for reasons of security, analysts often do not actually meet the asylum seekers whose voices they are analysing, exactly what steps are taken to ensure the provision of appropriate data for their analysis (cf. Singler, 2004)?
- given the evidence from the literature review that non-linguists are prone to make highly confident judgments in a very short time, how can we be sure that analysts are not merely seeking confirmation in the data for their first impression of the speaker’s origin (a particular issue where the language data includes applicants answering country information questions), rather than analysing the data scientifically?
- given that the real origin of asylum seekers is by definition not known, and that agencies obviously benefit from being able to demonstrate high accuracy rates, how can we be sure that the tests they give their analysts are fair and appropriate?

There is no presumption here that answers to these questions will necessarily reflect badly on all agencies. The problem is simply that at present we have only the agencies’ own assurances that their methods meet appropriate standards. It is not necessary to cast doubt on these assurances to suggest that mere assurances are not enough to ensure (an appropriate perception of) impartiality, now and in the future. The question must be raised - what happens if an agency gets it wrong?

5.3 Legal

Although LADO is often discussed under the heading of ‘forensic linguistics’, many cases do not actually involve the legal system. Often the decision as to whether to grant refugee status is made by bureaucrats in immigration departments. The Netherlands is one of the few countries in which a ‘contra expertise’ report can be requested as part of the proceedings. In other countries it is only if the decision is appealed that there is any involvement of the legal system - and then the case may be heard not by a court, as in criminal cases familiar to many IAFPA members, but by bodies such as the Refugee Review Tribunal in Australia, which only reviews the process by which the decision was made rather than calling for materials to be examined by independent experts. Even if the appellant has the resources or knowledge to hire an independent expert, the recordings on which a LADO report was based (i.e. of the appellant’s own interview) may not be made available, on the

grounds that this could be used to coach other ‘economic migrants’ in how to be accepted as a refugee.

Clearly a situation like this calls for the academic community to create and widely publicise simple, clear, well-agreed advice to the immigration authorities and the wider community about how and when to use language analysis. The Guidelines were a step in that direction, but surely not the last word that needs to be spoken on the matter. It is quite possible they need amendment, addition or even correction in certain respects. However, it is most useful to the wider community if further advice is provided in a unified way, ideally with input and agreement from the original signatories, but certainly with broad consultation of the linguistics community.

6 The way forward

With this background, we can return now to the problem at hand. Discussion at the 2008 LINGUA workshop made clear that some, though by no means all, other LADO agencies share the perception that Guideline 3 has created a situation in which significant numbers of asylum seekers are able to fake their identity and gain unwarranted asylum. If this perception is correct, it is a genuine problem and one worthy of consideration by the linguistic community - though not necessarily one that requires modification of established principles of linguistics. It is often helpful in such cases to consider an analogy with a discipline whose status as a science is more widely recognised. Here, for example, it is likely that some offenders escape prosecution because of limitations on fingerprint analysis (e.g. inability to make partial matches). However, such limitations are not accepted as a reason for relaxation of the standards of fingerprint evidence.

Having said that, it is certainly worth considering whether linguistic science can offer more help in the LADO context than it currently does. To do this, the following steps would seem to be appropriate.

1. First, essentially, those who are aware of problems with the Guidelines should publish clear, evidence-based documentation of the issues. This is the standard process (cf. the 2003 Australian report, and also the ‘UK Position Statement’ on the presentation of forensic speaker identification evidence (French and Harrison, 2007; Rose and Morrison, submitted)), and it is hard to imagine any confidentiality requirements that would preclude such a document being prepared in the current case.

Without prejudging the content of any such document, it is important to recognise that at the present moment we actually have no clear evidence of the nature or extent of the problem alluded to in Tina Cambier-Langeveld’s 2007 presentations, and indeed, to my current knowledge, no published criticisms at all of the Guidelines.

2. Once the issues have been clarified, they should be discussed widely and openly by representatives of all interested parties, including, minimally, relevant linguistic organisations and LADO agencies. Such discussion could take place, for example, at a dedicated workshop (as in the Creolist conference), via an extended email discussion (as for the Guidelines), or through publications (as for the UK position statement). A business meeting of one individual organisation is not an appropriate forum, as was found when the 2008 IAFPA AGM ran out of time to give due consideration to the recommendations of its Working Group. Indeed, though the IAFPA Working Group worked hard to collect views from interested parties, even a year was not sufficient time for them to compile the responses, or to finalise their proposal on Minimal Requirements for LADO Analysts (see more on this proposal below). This indicates that such tasks are too much for a small group. In any case, in a potentially contentious debate it is surely better for people to be able to exchange views directly, and engage in dialogue about the issues, even if arrangements have to be made to ensure confidentiality.

3. When such discussion has provided a clear plan of action, draft proposals can be prepared by a smaller subcommittee, and circulated for comment. Final recommendations should then be written up in plain language, approved by the wider group, and circulated to relevant government, legal and other organisations, with clear indication of their context and intended use, specifically of their relationship to the existing, widely recognised, LNOG Guidelines.

7 Conclusion and proposals

This paper started from the proposition that LADO is a valid form of evidence. While it is recognised that such language analysis has inherent uncertainty, this is true of many other branches of forensic linguistics, and standard precautions such as those embodied in the Guidelines and the IAFPA Code of Practice should be adequate to ensure responsible use.

It has acknowledged a perception among some (though by no means all) LADO agencies of a problem with the Guidelines, and suggested a process via which the linguistic community can (a) verify whether this perception is valid and, if it is, (b) collaborate with the LADO community to seek an improvement in the processes.

It has surveyed existing evidence on people's abilities with regard to accent identification, noting that there are no conditions under which abilities remotely approaching those required for forensic judgments have been demonstrated. Both native speakers and trained phoneticians have been shown to be far less accurate than their confidence suggests.

It has used this survey to highlight the distinction (cf. Eriksson 2008) between linguistics and forensic linguistics, and to reinforce the need, embodied in the IAFPA Code of Practice, for any linguistic judgment used in a forensic context to be accompanied by a clear evaluation of the level of certainty attached to that judgment.

In the course of discussion it has become clear that there is a crying need for a program of academic research, not just to clarify the linguistic situation in various regions (Tolsma, 2008), but to identify the parameters that affect recognition of regional and social accents. It would be extremely useful to have findings from research which clearly differentiated identification, recognition and discrimination abilities in relation to a range of different kinds of task and different types of data (especially including different kinds of in-person and third party interviews), and correlated these abilities with confidence ratings. Appropriate analysis of such findings, especially including correlation between false positives and false negatives (French and Harrison, 2007) would add a great deal of clarity to the current debate about what constitutes a 'good ear', how important a 'native ear' is, and how these 'ears' can be tested.

Unfortunately, simply having the results of such research will not solve all the problems of LADO. Indeed, it is not necessary to wait for these results before addressing the critical issues that confront us regarding LADO. The important thing is to ensure that LADO analysis is conducted in recognition of the best linguistic scholarship available at the time.

There is scope here for useful collaboration between linguists working inside and outside LADO agencies in designing and conducting studies that closely emulate the circumstances under which LADO analyses are conducted, with the aim of making recommendations regarding the best way for native speakers and linguists to work together on LADO reports. An excellent start could be made via a survey of current methods and practices of LADO existing agencies, perhaps similar to the very useful survey of speaker identification methods conducted by Tina Cambier-Langeveld (Cambier-Langeveld, 2007a). I note two agencies (LINGUA and De Taalstudio) have

recently produced such documents, which hopefully will be published in the near future.

Ultimately, however, the way forward is via accreditation of LADO agencies. As already mentioned, the IAFPA Working Group has been drafting (but as of current writing, has not yet completed) a set of Minimal Requirements for testing individual LADO analysts. This is one way to resolve some of the problems discussed above. However, I would suggest it is not the most practical one. It will be hard to devise a reliable general system of testing and accreditation for individual analysts - and even if this is achieved, there will be considerable problems of administration. The range of languages for which LADO is needed is very large. By the time all the issues are worked out, global politics will have moved on and a new set of asylum seekers speaking a new range of languages will require a new set of Minimal Requirements. The time spent training and testing analysts would surely be better used helping them gain qualifications in linguistics. More importantly, ensuring the Minimal Requirements are adhered to would appear to require the services of some independent accreditation body.

Using such a body to institute a system of accreditation for agencies, while not easy, would appear to be easier, and more cost effective, than accrediting individual analysts and would overcome the requirements of extreme confidentiality that appear to hinder even anonymised LADO reports from being made available to the academic community. LADO agencies that are confident of their own procedures can be expected to welcome such an accreditation process, as it would provide a clear differentiation of their services from those of less well qualified agencies.

Finally, agency accreditation would remove the anomaly that created this whole discussion in the first place: surely there are few other tasks of comparable significance carried out by agencies on behalf of governments in which the agencies' procedures are so completely unregulated. It goes without saying that any system of accreditation and regulation should be devised and administered, not by IAFPA or any other individual academic body, but by an international, interdisciplinary and cross-sectoral group. The United Nations would appear to be the obvious choice.

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