



## **Linguistic Rights in the World: the Current Situation**

**UN Geneva, 24 April 2008**

**A symposium to commemorate the 100th Anniversary of the  
Universal Esperanto Association and the  
60th Anniversary of the Universal Declaration of Human Rights**

### **Report**

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## **Linguistic Rights in the World: the Current Situation**

**UN Geneva, 24 April 2008**

The setting of the United Nations in its beautiful park on a lovely spring day contributed to the success of the Symposium, as did the interest and attention shown by the participants. The symposium was commemorating both the 100th Anniversary of the Universal Esperanto Association (UEA) and the 60th Anniversary of the Universal Declaration of Human Rights. The aim of the UEA in this Symposium was to highlight linguistic rights which it has defended for many years, and which appear to be both important and neglected today.

The meeting was opened by Ms Renate Bloem, former President of the Conference of Non-Governmental Organizations (CONGO), who co-chaired the meeting with Professor Probal Dasgupta, President of the UEA. In her warm greeting, she congratulated UEA on its goals for peace and understanding between peoples and especially on its role in supporting the linguistic rights of minority groups. She also stressed the importance of linguistic rights in the context of globalisation and the knowledge society and of the access of all peoples to information and knowledge in their own language.

### **Multilingualism and the UN**

Mr Ricardo Espinosa, Chief, NGO Liaison Office, Office of the Director General, UN Office in Geneva, in his welcome address, stressed the strong, long-standing partnership between the United Nations and Non-Governmental Organisations - civil society organisations that have become necessary actors in multilateral debates. Culture and communication are very important to the United Nations : when dealing with people from different countries one has to find a language of communication. He quoted an expert on the subject who said that if a meeting is held in only one language, the quality of the meeting is reduced by more than 40%. Mr Espinosa acknowledged that in day-to-day work, the balance of languages suffers, one language being privileged. Many governmental delegates cannot manage to express themselves sufficiently well, not to mention the NGO delegates, who are too often marginalised, especially in meetings when simultaneous interpretation is not provided, at least in the official languages of the UN. Mr Espinosa spoke a few words in Esperanto to acknowledge the UEA's awareness of this problem and the solution proposed by the UEA, referring to the Prague Manifesto<sup>1</sup> which sets out the UEA's principles which are very close to those of the UN : democracy, education, multilingualism, linguistic rights and cultural diversity, and finally human emancipation.

### **Linguistic rights and universal values**

Ms Anna Biondi, First Vice-President of CONGO, also greeted the symposium with a few words in Esperanto. Recalling her work with trade unions she expressed her feeling that both movements share common goals : equal rights as universal rights in a globalised world. The labour movement was born at the same time as Esperanto, at a time when there was a need for universal values. She spoke of the effect of globalisation on cultural identity and language and highlighted the philosophy of Esperanto as a neutral language and a symbol of peace, the importance of its role in gathering together groups of people from all cultural backgrounds and providing access to all international cultures, fostering a global understanding and tolerance, mutual respect and elimination of discrimination. She pointed out that the United Nations was created on a similar basis, to promote dialogue between nations. She encouraged the UEA to make use of the opportunities offered by the Internet and stressed its importance in providing a forum for minority populations to use their mother tongue. In 100 years Esperanto has reached maturity, combining the ideal of strengthening the human community through a joint language with recognition of the interdependence and interrelation of our linguistic heritage. The Esperanto movement is at the core of the challenges of globalisation.

### **Substantive language rights**

Before presenting his speech, Professor Probal Dasgupta stated that he sees the main role of Esperanto now as connecting minorities to each other as an interregional language, a role that English cannot fulfill because it suppresses regional specificities.

In his talk on substantive language rights, he reminded the meeting that the UN has declared 2008 as the International Year of Languages to address the alarming loss of languages and erosion of communities. The fact that UEA views the neutral character of Esperanto as a resource for the conservation of endangered languages is well known. He went on to explore some less well-known areas of the work of the Esperanto movement: for example, scholarly research in the field of language policy with the creation of the Journal of Language Policy and Language Planning<sup>2</sup>, and the ensuing progress in

social science research on language rights. Also, it is important not to confine discussion of the loss of language diversity to the economic side of the problem. The goal of Esperantists has to do not just with access to democratic forms, but with extending the substantive social welfare of citizens to the linguistic domain.

Esperanto is usually commended for its ease of acquisition, however it also plays a role in promoting language awareness. For example, the use of affixes in Esperanto, as in *skrib-il-ar-ej-o*, stationery shop, meaning: write - instrument - aggregate - place - noun, which can then be used in constructing many other words. This sharpens the learner's ability to perceive word structure and thus speeds up the acquisition of a foreign language (the propaedeutic effect). Added to this, is the cultivation of awareness of how we are connected to our physical and mental surroundings: in contributing to this awareness, Esperanto goes beyond mere usefulness as learning facilitator for foreign languages.

One might consider, for example, measures to maximise public access to legal systems that stress the language facilitation issue even in the case of a single language. Ex-President Jimmy Carter of the US initiated the plain language legislation making it mandatory to post plain language descriptions of the responsibilities of the administration and of the citizen's rights. The movement of India's dalits (the former "untouchables") for social dignity has been pressing for a reversal of elite-driven vocabulary opacity in academic and official texts in Indian languages. In Japan, there is a similar project to promote the use of easy-to-read syllabic characters. Only initiatives based on the prototypically easy link language Esperanto make it meaningful to seek a common thread - and a connection with language rights - in these attempts to maximise the transparency of language use, even in monolingual contexts.

However, though it is true that the world is losing many languages and many individuals are experiencing the personal loss of mother tongues, it would be a mistake to confine ourselves to the important - but too narrowly legal - enterprise of viewing the notion of language rights simply in terms of the right to use the mother tongue. Even an entirely successful campaign to promote formal equality of rights is unlikely to bring about substantive democracy.

An interesting case to consider is Canada's method of ensuring language equality between its Francophone and Anglophone populations. According to a recent study,<sup>3</sup> government-sponsored literary translations are perceived by readers in Quebec as clumsy and overzealous. This results in people finding alternative ways of translating in order to achieve more authentic results. By arranging for bureaucratic, artificial mass translation from powerful languages, governments are merely going through the motions of giving minority language speakers access to their mother tongue - without being able to receive serious input in it in the official (including educational) domain. There is a need for intellectual tools to diagnose as pathological such non-serious implementation of linguistic human rights legislation. The economics-focused social science approach, despite being an important advance, does not provide the right diagnostics in such scenarios.

Minority speech communities need to make sure their ideas are articulated and heard. Esperanto has a role to play in this context by facilitating communication at the different levels and between different groups.

Professor Dasgupta terminated his address by extending greetings to Geneva and saluted two eminent Swiss Esperantists, Ferdinand de Saussure, the father of structural linguistics, and his brother René de Saussure.

## **Human rights and communication**

Mr Dietrich Weidmann, Co-President of the Swiss Esperanto Society, speaking in Esperanto, recalled the role of Edmond Privat and Hector Hodler as founders of the Universal Esperanto Association in Geneva. In fact, Edmond Privat met with US President Wilson more than 100 years ago and they discussed the idea of a worldwide federation of states on the basis of fundamental human rights which, after the First World War, became the League of Nations.

Referring to the 60th Anniversary of the Universal Declaration of Human Rights, Mr Weidmann pointed out that, although we could be pessimistic about the human rights situation in the world and see that the glass is still half empty in this regard, we could also look through optimistic spectacles and see that we have good reason to celebrate today, as the glass is also certainly half full and mankind has made great progress in the last 60 years. There is no country on earth where human rights are not taken into consideration, and no crime against the dignity of man can happen without the world observing and condemning it.

We must, however, at the same time realise that the most beautiful laws, rules and rights remain scrap paper, as long as not every individual knows his rights and has the possibility to defend himself. Human rights demand equality for every man, but can an individual evaluate and defend his/her basic human rights in all equality if he/she cannot do so in a language which he/she can master without paying for expensive interpreters and translators? If an individual has to defend his/her interests in a language that is foreign to him/her, then one cannot speak of equality and this constitutes a violation of one of the most basic of human rights. The human right to equality must thus include the right to linguistic equality and the right to freedom includes the right to linguistic freedom. In this sense, the Esperanto Movement has been defending human

rights since its beginning, and it could be said that the goals of the United Nations, Unesco, the Universal Esperanto Association and the Swiss Esperanto Society are common - that is, the creation of a better, safer and fairer world, in which mankind will have a prosperous future in peace and reciprocal understanding.

### **Language, Education and (violations of) Human Rights**

The keynote speaker, Professor Tove Skutnabb-Kangas, a well-known linguist and defender of linguistic rights, spoke about the violation of the right to education suffered by indigenous and minority children in most countries today. Referring, as other speakers did, to Marie Smith Jones, the last speaker of Eyak, whose photograph presided over the meeting, she said that languages are being killed faster than ever before - half or more may have disappeared by around 2100.



#### ***Subtractive teaching***

The most important pedagogical reason for both the disappearance of languages and so-called illiteracy is the wrong medium of teaching - that is, subtractive teaching through the medium of a dominant language which often replaces the indigenous or minority children's mother tongues. It subtracts from their linguistic repertoire. Additive teaching, however, where the children are taught in their mother tongue by bilingual teachers, adds to the children's linguistic repertoire and makes them bilingual or multilingual.

#### ***Why do languages disappear?***

Languages are sometimes called vast libraries of human intangible heritage. There are two paradigms for language disappearance: death or murder. If it is death, they die naturally like things in nature, or they commit suicide, when another language is chosen voluntarily to get better jobs or for another reason. If languages are murdered, then analysis shows that education systems and mass media are participating in linguistic and cultural genocide according to UN definitions (see below). Professor Skutnabb-Kangas believes that most disappearing languages are victims of linguistic genocide.<sup>4</sup> Thus, educational systems and mass media are the most important direct agents in linguistic and cultural genocide. Behind them are the world's economic, techno-military and political systems.

#### ***"Killer" languages and linguistic genocide***

When children are taught subtractively, through the medium of a dominant language, this language can become a "killer" language, posing serious threats to linguistic diversity through its dominance. This term illustrates the relationship between people, it is not a characteristic of the language - it is a relation of power. Currently, the dominant language is English, but any language could become the "killer" language, e.g. Spanish, Hindi. In the case of the deaf, oral language and lip-reading can function as a "killer" language by pushing out sign language or American Sign Language can become a "killer"

language *vis-à-vis* other sign languages.

One reason why linguistic human rights in education and maintenance of all the world's languages are necessary is to counteract crimes against humanity, also in education. Professor Skutnabb-Kangas pointed out that the term "linguistic genocide" is not an exaggeration. The UN International Convention on the Prevention and Punishment of the Crime of Genocide (E793, 1948) has five definitions of genocide and two of them fit today's indigenous and minority education:

Article II (e) Forcibly transferring children of the group to another group;

Article II (b) Causing serious bodily or mental harm to members of the group.<sup>5</sup>

To illustrate this, Professor Skutnabb-Kangas cited three examples :

1. A study of immigrant Finnish speakers in Sweden who were educated only in Swedish. When they had children, none spoke Finnish to their children, even if they had not forgotten it. These children were thus forcibly transferred to another group. Such assimilative education is genocidal.
2. A group of 1500 students in Zambia and Malawi. Many of the students in Zambia who were educated entirely in English had very weak or zero reading competence in two languages but could not write in any language. In Malawi, students taught in their own languages for four years with English as a subject before being transferred to an English medium, had slightly better results than the Zambian students in all subjects and could read and write in their own languages as well as English. The conclusion was that there is a risk that the policy of using English as a medium may contribute to stunting rather than promoting academic and cognitive intellectual growth. This fits the UN genocide definition of causing mental harm.
3. In a Canadian study of Inuits taught in English, they could not speak or read either their own language or English and did not reach a good general level of education after nine years of schooling, despite being of normal intelligence. That is also causing mental harm to the children.

Most indigenous and minority education in the world participates in committing linguistic and cultural genocide according to the definitions of the UN Convention.

#### ***Violations of the right to education***

Professor Skutnabb-Kangas has reported on several aspects of violation of the right to education with reference to many Human Rights documents and the UN Convention on the Rights of the Child in the context of the United Nations Permanent Forum on Indigenous Issues.<sup>6</sup>

Teaching indigenous and minority children using a dominant language subtractively or with early transit to a dominant language education violates this right and is known to be harmful to children. Subtractive education policies implemented in full knowledge of the devastating effect on children can be considered as international crimes, including genocide. States persist in such policies although they know that they have extremely harmful consequences, including serious mental harm, social dislocation, poverty, economic, social and political marginalisation and, in the long-term, alcoholism, violence and even suicide.

The various forms of subtractive education to which indigenous children have been subjected result in very serious harmful mental and physical consequences. It is in clear violation of a range of human rights standards and contemporary standards of minority protection.

The concept of crime against humanity is less restrictive than genocide and can also be applied to these forms of education. The destructive consequences not only for languages but also for the lives of indigenous peoples and minorities is now clear. The concept of crimes against humanity provides a good basis for evolution towards the stigmatisation by law of subtractive educational practices and policies.<sup>7,8</sup>

#### ***LHRs in education***

Linguistic Human Rights in education are a necessary but insufficient prerequisite in the struggle to prevent linguistic genocide and crimes against humanity. Without them, a minority whose children attend school usually has to accept subtractive teaching through the medium of a dominant/majority language. It cannot reproduce itself as a minority and it cannot integrate but is forced to assimilate. Linguistic human rights are necessary to maintain linguistic and cultural diversity - and as a mediating factor to maintain biodiversity.

The most central linguistic human right in education is mother tongue education in non-fee state schools. Linguistic human rights might be one way of preventing linguistic genocide, by promoting integration and defending people against forced assimilation, promoting positive state policies towards minority languages, maintenance of the world's linguistic diversity, conflict prevention and promoting self-determination, especially for indigenous peoples.

Linguistic human rights consist of some language rights plus human rights. Some language rights are so necessary for a dignified life that they must be seen as inalienable - no state or individual or group is allowed to violate them : it is these



language rights that are linguistic human rights.<sup>9</sup>

### **LHR instruments**

In many human rights documents, language is one of the most important human characteristics on the basis of which people are not allowed to be discriminated against (as well as gender, race and religion). Still language often disappears from the educational paragraphs of binding instruments. In many cases, the language used is so vague and ambiguous that the result is that States can interpret the texts as they like.

Professor Skutnabb-Kangas presented a review of existing human rights instruments, of which an extract is given below, showing that :

- In the Universal Declaration of Human Rights, the paragraph on education does not refer to language at all.<sup>10</sup>
- The International Covenant on Economic, Social and Cultural Rights<sup>11</sup> mentions language in the general paragraph together with race, colour, sex and religion but not in the article on education. But the article on education does refer to racial, ethnic or religious groups, not to language or linguistic groups.
- The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities<sup>12</sup>, in the paragraph concerning education, uses only provisional and indefinite language.
- The Council of Europe's Framework Convention for the Protection of National Minorities and the Charter for Regional and Minority Languages<sup>13</sup> both use conditional language which gives States a loop-hole for not applying the requirements of either the Framework or the Charter, which effectively takes back the rights it accords.
- The International Covenant on Civil and Political Rights<sup>14</sup> (article 27) still grants the best binding protection for linguistic rights but also uses terminology that makes it easy for States to opt out or to interpret it as they wish: *"In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."*  
The State can decide whether a group is a minority group or not.
- The Hague Recommendations Regarding the Education Rights of National Minorities<sup>15</sup> from OSCE's High Commissioner on National Minorities states, *"For minorities, mother tongue medium education is recommended at all levels, also in secondary education. This includes bilingual teachers in the dominant language as a second language"*, but this is only a recommendation.

Of the most recent Human Rights instruments, one of the most positive is the United Nations Declaration on the Rights of Indigenous Peoples<sup>16</sup>, Adopted by General Assembly Resolution 61/295 on 13 September 2007.

The most relevant parts are articles 13 and 14.

#### **Article 13**

*1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.*

*2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.*

#### **Article 14**

*1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.*

*2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.*

*3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.*

However, as can be seen, again the language is vague and open to interpretation, despite having been worked on for over 20 years, and the text is not binding. Even this is not sufficient.

Educational linguistic human rights effectively do not exist.

### **Progress in education**

Both indigenous and minority education could be organized so as to promote high levels in multilingualism. There are some examples of promising developments in Nepal, India (Orissa), Ethiopia, Sami country in Norway and Finland, Bolivia, Bangladesh and many others, and also in education of the deaf, but in general most countries are hypocritical and

there is nice talk but little action.<sup>4</sup>

In several of these projects, indigenous children are being taught at primary school level in their mother tongues for the first eight or nine years with excellent results, or four or six years (with slightly less good results), in some cases with materials and programmes planned by the villagers. There are plans to extend such projects. There are good deaf education programmes and good teacher training, especially in Finland.<sup>17,18</sup>

### ***Biodiversity***

When States, including those who voted against the UN Declaration on the Rights of Indigenous Peoples, refuse to grant to indigenous peoples and national and immigrant minorities an unconditional right to be educated in their mother tongue, they are seriously harming the children concerned, themselves and the planet. Lack of linguistic human rights is responsible for illiteracy, lack of school achievement, educational waste, poor life chances, extinction of languages, disappearance of groups, nations and peoples - through forced assimilation, and contributing to the disappearance of traditional knowledge about biodiversity.

It is known that linguistic diversity and biodiversity are strongly inter-related. Knowledge about maintenance of biodiversity is encoded in small languages : in killing minority languages we are killing the prerequisites for maintaining biodiversity on earth. If we continue as now, most of the indigenous languages of the world will be gone by 2100. Variety and resilience are vital to survival, biocultural diversity is essential for long-term planetary survival as it enhances creativity, adaptability and stability. Uniformity is the worst response to crisis. The human race is extremely rare, given the unlikelihood of its existence. If it becomes extinct it would not be the only species that sabotaged itself, but the only one that could have prevented it.<sup>19</sup>

Esperantists are some of the people who are most active in the world in trying to prevent it and for this they are to be congratulated.

### **Intercomprehension as a strategy for linguistic justice**

The guest speaker, Professor François Grin spoke about "Intercomprehension as a strategy for linguistic justice" - that is, mutual understanding. Stressing the sociological, political and scientific importance of the theme of the symposium, he went on to discuss linguistic justice. He commented that Esperanto is a solution, maybe one of the most promising solutions to this problem. However, the political context is not always favourable to Esperanto : for various reasons there is a resistance - persistent and often irrational - to Esperanto. In considering the social, political and cultural role that could be played by Esperanto one should therefore proceed with caution. Professor Grin said linguistic justice needs to be promoted and its importance acknowledged more generally. He then went on to speak about intercomprehension - mutual understanding - that is, the use of skills in languages close to the mother tongue. If one promotes multilingualism and encourages mutual understanding, this leads to a fairer situation and could prepare the way to a development in which Esperanto can find its place.

Professor Grin situated this project in the context of the problem of translation and interpretation in the European Union (EU) with its 23 official languages, and described the project - which is in its initial stages - in which these languages are divided into related groups, e.g. French, Italian, Portuguese and Spanish would be in one group, and English, Dutch and German in another. This would result in 12 groups of related languages, and the idea of intercomprehension is that EU officials would be able to understand (but not necessarily speak) the other languages in their group and not need translation and interpretation in those languages. This would reduce the directions of translation and interpretation from 506 with 23 languages to 253 - one half. It would promote multilingualism and reduce costs considerably. Another part of the proposal is to distribute the savings, after deducting an amount to be used for training in intercomprehension, in such a way that the countries which made the most effort to learn other languages would receive more. This would also achieve a higher level of linguistic justice.

Several other projects are being considered - one being the adoption of a language in addition to those needed in the EU<sup>20</sup>, another being the rotation of languages so that each is used in turn and strong languages do not dominate (e.g. English, Spanish), and another the use of a bridge language such as Esperanto.

The basic idea stays the same, the great interest of intercomprehension is to encourage multilingualism and to promote fair practice, leading to a new vision of communication in a multilingual setting. In this framework Esperanto has a role to play.<sup>21, 22, 23</sup>

### **Language diversity and university teaching**

Michele Gazzola spoke about university teaching and the linguistic issues related to internationalism, stressing the role of universities in innovation and a knowledge-based economy. In 2000 the European Union launched a strategy intended to

give a boost to its economy with a project to bring together the European systems of higher education by 2010 and to make European universities comparable to those of North America and able to compete with Asian countries.

In order to ensure the competitiveness of universities, two conditions need to be fulfilled :

- 1) funding linked to quality of research and use of indicators to measure the quality of research for comparison purposes.
- 2) mobility of students and researchers in Europe, that is researchers should be able to easily move to the best universities, thus promoting the creation of poles of excellence.

The obvious challenge posed by this proposal is that of maintaining linguistic diversity in the face of the dominance of the English language. Most English mother tongue and English speaking students have an advantage over others, especially since one of the main indicators (of excellence) is the number of articles published in English as many prestigious journals are published only in English. Many universities now propose courses entirely in English in order to attract foreign students, e.g. Turin Polytechnic and Geneva University where some French-speaking lecturers give their courses in English to a mainly French-speaking auditorium. This may lead to the exclusion of many students and lecturers who would not be able to use their own language. The imposition of one language leads to linguistic injustice not only in the scientific literature but also in international conferences where English speakers have a considerable advantage. Moreover, English-speaking students have an even greater choice of education without having to learn other languages.

What is needed to ensure linguistic diversity is a linguistic policy with compensatory measures for other language communities. For example, indicators for scientific excellence could be reformed so that scientific journals in other languages than English would have a greater visibility and weight in international data bases, thus providing forums for researchers to use their own languages without this choice leading to an unfavourable evaluation vis-à-vis the bibliometrical indicators for the universities. Foreign-language education for students should be reinforced to encourage use of other languages in universities. To give non-English speaking countries access to scientific literature, the patents and other intellectual property in English should be made available at a lower cost than that paid by English speakers. This would act as a form of compensation for the advantages enjoyed by English speakers because of the dominant position of their language.

## Indigenous peoples and linguistic human rights

Three speakers spoke on behalf of indigenous peoples : Mr John Mateo Lopez (Colombia), Ambassador Ronald Barnes (Alaska) and Ms Flor Rayen Calfunao Paillalef (Chile). They illustrated much of what keynote speaker Professor Tove Skutnabb-Kangas said in her presentation.

## Legal structure and linguistic rights



Mr John Mateo Lopez spoke on "Indigenous peoples and their linguistic treasures from a legal point of view", pointing out that the situation in Colombia could be used as a reference for the whole of the Amerindian continent. In Colombia, according to the last official census, 87 indigenous peoples have been identified who speak 64 different languages. They constitute a population of 1.4 million people and correspond to 3.4% of the Colombian population.

Mr Lopez stressed the need for a legal structure to ensure the protection of the indigenous peoples, their territories, languages, culture and way of life, especially in view of north-south relations and globalisation. He pointed out that, even when legal measures are taken, it is important to ensure that they are implemented. When they are not implemented, the

resulting loss of indigenous cultures does not consist solely in the disappearance of linguistic richness, but concerns also quality of life, the well-being of the population and its social organisation. In view of the social crisis and the crisis facing indigenous peoples, it is imperative to reconsider the structure of society in order to achieve a more equitable society.

### **Language, communication and self-determination**

Ambassador Ronald Barnes spoke of "Language, communication and self-determination". The Alaskan tribes he represents have made several diplomatic protests against the US because Alaska was placed on the list of non-self-governing territories in 1946<sup>24</sup> and removed in 1959 when Alaska became a State of the USA. One of the things that the US did was to deny the right of the Alaskans to be informed in their own languages. As shown in many UN resolutions, language, communication and self-determination go hand-in-hand. According to Article 1 of the International Covenant on Civil and Political Rights <sup>14</sup> :

*"1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. "*

Language is an inherent attribute of culture, and when we talk about the political right and associate it with economic, social and cultural rights, we have the right to economic development, social development and cultural development. Given that, the indigenous peoples of Alaska had, under the decolonisation process, the right to be informed in their own languages. In 1949, UNGA 328<sup>25</sup> was adopted :

*"The General Assembly*

*1. Invites the Administering Members to take steps, where necessary, to establish equal treatment in matters related to education between inhabitants of the Non-Self-Governing Territories under their administration, whether they be indigenous or not;"*

During the deliberations on the Draft Declaration on the Rights of Indigenous Peoples, a US diplomat made a point of contention, stating that there is no resolution adopted by the UN General Assembly that uses the term "indigenous peoples". Ambassador Barnes pointed out that this is not true, UNGA Resolution 329<sup>26</sup> of 1949 states :

*"The General Assembly,*

*Recognizing the importance of preserving and developing the languages of the **indigenous peoples** of the Non-Self-Governing Territories, and*

*Noting the appreciable steps already taken in this connexion by the Administering Members,*

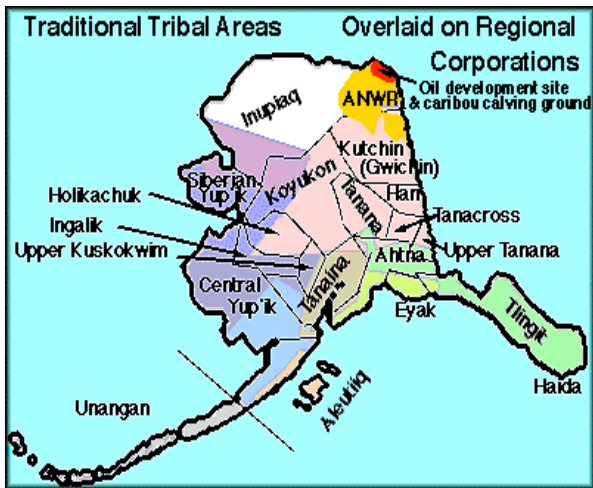
*1. Invites the Administering Members*

*(a) To promote the use of the **indigenous languages** in the Territories under their administration;*

*(b) To make these languages where and whenever possible the languages of instruction ... "*



We know that the US did not enact or fulfil its promise or obligations towards the Alaskan peoples. Ambassador Barnes talked about Chief Marie Smith Jones, the Chief of the Eyak Nation whom he knew well and with whom he spoke three days before her death on 21 January 2008. He took her to the United Nations in 2002, and she made a speech to UN Permanent Forum on Indigenous Issues, describing how when she was at school the pupils were not allowed to speak their own languages when they went outside to play during breaks. She talked about being punished for speaking her own language because one of the other children had informed on her, she said there is always one that tells on the others.



Of course we know that the US did not fulfil its obligations, otherwise the indigenous peoples of Alaska, the rich culture and the nine major languages of Alaska would have been protected. Referring to the map, he said that he himself is Central Yup'ik, and he also pointed out the very small Eyak territory. He and other Yup'ik children were sent to boarding schools where they were taught in English/American and discouraged from speaking Yup'ik.

With reference to the history of decolonization and the right to determine one's status, Ambassador Barnes cited UN GA resolution 743<sup>27</sup> which declares that :

"The General Assembly,

*Considering that, by resolution 445 (V) adopted on 12 December 1950, it approved the special report on education drawn up in 1950 as a brief but considered indication of the importance of educational advancement and of the problems still to be faced in the Non-Self-Governing Territories,*

*Noting the further report prepared in 1953 by the Committee on Information from Non-Self-Governing Territories on educational conditions in these Territories,*

*2. Emphasizes that the objectives of education in Non-Self-Governing Territories are:*

- (a) To develop moral and civic consciousness and responsibility among the peoples, and to enable them to take an increasing share of responsibility in the conduct of their own affairs;*
- (b) To raise the standards of living of the peoples by helping them to improve their economic productivity and standards of health;*
- (c) To promote the social progress of the Territories, taking into account the basic cultural values and the aspirations of the peoples concerned;*
- (d) To secure the extension of the intellectual development of the peoples so as to provide for them access to all levels of culture;..."*

In other resolutions on the decolonisation process,<sup>28-31</sup> there was provision for indigenous peoples to have representatives who could attend the meetings of the United Nations to be informed on the decolonization process and transmit the information to their own people in their own languages. The peoples of Alaska were not informed of this right.

In the early 1920s, the US realised that the indigenous peoples were blocking statehood. They introduced a law on literacy which meant that if the indigenous people wanted to vote they had to take a literacy test showing that they could read and interpret several paragraphs of the Constitution of the US and write in English. In 1958 when they had to vote for or against statehood, as most of them were illiterate they were told how to fill in the vote "in order to preserve and protect their land and resources" and therefore voted for statehood not knowing what they were voting for. If they tried to vote but failed the test, they were fined \$500 or sentenced to six months in prison. They were denied the right to be informed on the decolonisation process because they were not informed in their own languages.

Marie Smith Jones died on 21 January 2008. The Eyak language died because the children were not taught Eyak in schools, there was no social development. Cultural development is interrelated and connected with political interests and all are aspects of the right to self-determination. The indigenous peoples of Alaska were not informed in their own languages of their rights. In the late 1980s they discovered they had the right to self-determination and independence and they started using civil resistance and informing the people in their own languages of their rights.

The Yup'ik they had their own written language, which was developed by one individual who was inspired by seeing other peoples with written languages. This demonstrated that they were not a backward people, but a people who had their own culture. They had many books written in Yup'ik but the books were confiscated and taken to Washington where the people did not have access to them. The people preserved about five of them.

In conclusion, Ambassador Barnes showed a video of Marie Smith Jones saying a prayer in Eyak. During her life she had always promoted the right to independence and self-determination, and cautioned her people against those who make agreements in their name without fully informing them and without the people knowing or understanding what they had consented to or the consequences of their consent. One form of nonviolent civil resistance adopted by the tribes of Alaska is non-payment of taxes. Ambassador Barnes was instructed by the tribes' Elders not to pay taxes, and he has been in exile for 5 years; he would be arrested if he returned to the US.<sup>32,33</sup>

Language, communication and self-determination : Ambassador Barnes stressed the importance of being able to speak and be informed in one's own language of one's rights, which is a fundamental part of human rights and has been stated many times in United Nations resolutions.

The Chairman thanked Ambassador Barnes for his presentation, linking his struggle for linguistic democracy with the Esperanto movement which has always worked for linguistic democracy, stressing that it cannot flourish without human rights, and assured him of the support of the UEA in this struggle.

## Linguistic rights of the Mapuche people



Ms Flor Rayen Calfunao Paillalef from Chile spoke of the difficult situation of the Mapuche people in Chile and Argentina, which in many aspects reflects the experience of Ambassador Barnes in Alaska; like him she is in exile and most of her family are in prison. The Mapuche Nation is situated in the southern hemisphere of South America, an area that is now occupied by the Chilean and Argentinian States. The Mapuche have managed to preserve their traditional language, Mapudungun, and their own culture. Mapuche means "the people of the land". The political situation has not changed for the Mapuche people. They are victims of a genocide that started with occupation of their territory.

In 1641 the Mapuche Nation and the Spanish Empire signed a treaty, in which the Spanish Crown recognized the territorial autonomy of the Mapuche Nation. This treaty was recognised internationally in 1643. Therefore they became independent two centuries before Chile, which became independent in 1818 and imposed the Chilean passport and language on the Mapuche people. They refused this because it was imposed; they were already independent and acceptance of the passport also implied acceptance of the language so they would have lost their identity. The time of the dictatorship was very difficult for the Mapuche, but it continues to be difficult, especially as regards preservation of their culture.

Ms Calfunao is in Geneva because all her family are in prison, even a child of three years, and from Geneva she can denounce the violations of human rights in the human rights organisations in Geneva and elsewhere. What is happening is a genocide because all the Mapuche culture, language and traditions are disappearing. Children are being displaced by

being sent to schools at least 25 kms away from their homes and they can only return home for a weekend once a fortnight. These schools are mostly run by the Church, the children have to get up at 5 a.m to say prayers so they are completely cut off from their roots and their culture. Recently, judgements on four to five Mapuche people resulted in their being sentenced under anti-terrorist laws [which were drafted under the Pinochet dictatorship to charge Mapuche resisters (The Antiterrorism Law and the Law of Internal State Security)<sup>34</sup>] and sent to prison 800 kms away from their families. Even 20 kms is difficult, 800 kms is two to three days' travel by bus and is a much more difficult journey.

There is repression by the police and the paramilitary, they are protecting the forestry industry and the *latifundistas* (landowners) in Mapuche territory. The territories are occupied by the Chilean State; there is more repression on the Chilean side because the Mapuche are not recognized. After the dictatorship, President Aylwin promised to recognize the Mapuche as a community, but this would mean that they would be separated and again cut off from their roots. Another law was passed (the Indigenous Law<sup>35</sup>) that says, *inter alia*, that the land cannot be sold to a third party and the people cannot be displaced. The government does not even respect this law that it made. The government is passing laws on Mapuche land - it does not have the right to do this, the land belongs to Mapuche people.<sup>36</sup> The foresters and the *latifundistas* are German, French and Swiss; Ms Calfunao has nothing against immigration, but the rights of the Mapuche people are not being respected. Simply the fact of denouncing what the government is doing means that she would be imprisoned if she returned to Chile. She is the only one who can speak on behalf of the people and denounce the many violations of human rights. Several NGOs are also working for the rights of the Mapuche and the Human Rights Council was asked to send an observer to Chile to see for themselves what is happening, but they have not yet replied.

## Conclusion

In his concluding remarks, Professor Dasgupta thanked the volunteer interpreters who ensured translation in English, French and Esperanto. He expressed the wish that this Symposium would mark the first in a series of scientific meetings that would focus attention on linguistic rights - an important but neglected part of the Declaration of Human Rights. He then said that he would like to give the last word to the keynote speaker, Professor Tove Skutnabb-Kangas. She said that she would like to give an example of how knowledge can be lost when a language disappears. A group of scientists in Scandinavia recently discovered that salmon can spawn in small rivers, whereas it was always believed that they only did so in large rivers, on which now many dams have been built, leading to concern for the ability of the salmon to reach their spawning grounds. They published their discovery in a scientific journal and after publication they were contacted by members of the Sami people who live in northern Scandinavia. "We could have told you that," they said, "in our language we have a word that means "*salmon which spawn in small rivers.*" In this case, the knowledge was not lost, but rediscovered. It could have been shared if there had been dialogue with the speakers of the minority language.



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## ANNEX I

### Linguistic Rights in the World : the Current Situation

24 April 2008, UN, Geneva

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