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1. What are linguistic human rights?

1.1. Language rights + human rights = linguistic human rights

Most people knowledgeable about human rights have not heard anything about the concept of linguistic human rights. Language rights emerged as a major international concern after the First ‘World’ War and the Peace Treaties contained some language rights for minorities. Minority rights and language rights figured together prominently during the era of the League of Nations, prompted by politicians and minority movements and were written into constitutions and treaties but were mainly seen as the field of expertise of lawyers, rather than linguists or other language experts. Human rights are rights that every individual has, simply because of being human. In theory they are supposed to be so fundamental, so inalienable, that no state (or person) is allowed to violate them. This is of course far from the case, even on paper. An international human rights regime started to develop in a prominent way directly after the Second ‘World’ War under the auspices of the United Nations. Most of the initial rights were individual rights. This resulted in most of those rights which during the League of Nations had included some

language rights, namely minority rights (which are collective per definition), not being developed. One of the arguments was that if every individual had certain rights, people were protected as individuals and collective rights were not needed. Minorities were seen, for instance by American delegates to the UN human rights instruments drafting bodies, as “a European problem”. Today, certain collective rights are increasingly being included in the human rights regime. A somewhat bold general claim would be that European regional instruments contain fewer collective rights and fewer binding duties/responsibilities than the 4 African instruments (clear even in the name of the first general instrument, the African Charter on Human and Peoples’ Rights, 1981). The Organization of American States’ 14 instruments (where the United States of America, one of the 35 member states, has significantly only signed 3; see UNESCO 1999, 30–32) resemble the European instruments. There is as yet no inter-governmental human rights system at the regional level in Asia, but several attempts have been made to concretise a regional stance on human rights, with governments and NGOs highlighting different viewpoints (see Muntarbhorn 2000, for an overview; see also Beetham 2000, for a discussion of universality and cultural differences in human rights).

Language rights and human rights have been brought together as linguistic human rights only recently. Some language-related rights are so fundamental that every individ-

ual has to have them simply because that individual is a human being, in order for basic physical and mental needs to be met, and for a dignified life. Many of these rights can only be met if the collective that the individual belongs to has collective rights. These necessary individual and collective language rights are linguistic human rights (hereafter LHRs). On the other hand, there are rights related to languages which are important but not necessary in the sense discussed here. The right to learn foreign languages of one's choice might be an example. This kind of language-related enrichment-oriented rights might be called language rights, but they are not linguistic human rights. This article gives a short overview of why linguistic human rights are needed, why educational language rights are the most vital rights for the maintenance of linguistic diversity, what linguistic human rights exist in education, and what some positive new developments and gaps are. The discussion will mostly relate to half of the world's languages only, namely oral languages, but with some remarks in relation to the other half of the world's languages, the sign languages.

1.2. A continuum from linguistic human rights to linguistic genocide

Languages which are official languages obviously enjoy a lot of rights (see de Varennes 1996 for an overview) and in most cases one might suggest that native speakers of these languages enjoy all LHRs. Juan Cobarrubias (1983) has developed a taxonomy of policies, which a state can adopt towards a (minority) language, with the following stages: "1. attempting to kill a language; 2. letting a language die; 3. unsupported co-existence; 4. partial support of specific language functions; 5. adoption as an official language". A directly LHRs-related similar taxonomy or continuum of LHRs might start at (a) linguistic genocide, and continue through (b) discrimination on the basis of language, (c) non-discrimination prescription and (d) conditional acceptance of some LHRs, to (e) full unconditional LHRs.

Linguistic genocide, a possibly provocative and emotionally charged expression, has to be scientifically described and also legally defined. From a research point of view, using Cobarrubias' taxonomy, linguistic genocide involves actively "killing a language" (without killing its speakers, as in physical genocide) or, through passivity,

"letting a language die". "Unsupported co-existence" mostly also leads to minority languages dying. From an international law point of view, we can use definitions of genocide and linguistic genocide from the *UN Genocide Convention*. Two types of UN definitions are relevant. The first type is those two definitions, which still are part of the 1948 *UN International Convention on the Prevention and Punishment of the Crime of Genocide* (E 793, 1948):

Article II (e), "forcibly transferring children of the group to another group"; and Article II (b), "causing serious bodily or mental harm to members of the group" (emphasis added).

First language attrition and loss have been described fairly extensively in research literature and fiction. Sandra Kouritzin (1999) describes many cases in Canada where immigrant minority children have lost a language within one generation so that they as adults, for instance, are no longer able to speak to their parents. Lily Wong Fillmore has described the consequences for families in the U.S.A. (1992). Peter Mühlhäusler discusses results of linguistic imperialism in the Pacific (1996). Pirjo Janulf (1998) shows in her longitudinal study that of those Finnish immigrant minority members in Sweden who had had Swedish-medium education, not one spoke any Finnish to their own children. Even if they themselves might not have forgotten their Finnish completely, their children were certainly forcibly transferred to the majority group, at least linguistically. This happens to millions of speakers of threatened languages all over the world. For oral minority students education through the medium of a dominant majority language often leads to the students using the dominant language with their own children later on. Over a generation or two the children are linguistically and often also culturally assimilated, forcibly transferred to a dominant group. Since there are no alternatives in formal education (i.e. schools or classes which teach mainly through the medium of the threatened indigenous or minority languages), the transfer happens by force. For it to be voluntary, alternatives should exist, and parents would need to have enough reliable information about the long-term consequences of the various choices. None of these conditions are usually fulfilled for indigenous or minority parents and children, i.e. the situations where children

lose their first language, can often be characterised as genocide.

Since most Deaf children are born to hearing parents, parents and children do not have the same mother tongue by origin, and many of the Deaf children will in their turn have hearing children. Deaf children of hearing parents are in many countries still taught through oral methods, i.e. taught lip-reading and speaking in a dominant majority language, to the exclusion of a sign language. They are not learning their "own" language, a sign language, which is for all Deaf children the only type of language through which they can express themselves fully, i.e. it is their mother tongue by competence. Thus both oral indigenous and minority children and Deaf children, taught predominantly through the medium of a dominant oral majority language, are undergoing linguistic genocide: both groups of children are forcibly transferred from their 'own' language group to dominant majority language group.

The second type of UN definition is the specific definition of linguistic genocide, which was included in the final Draft of the Convention. In preparatory work for the UN Genocide Convention, linguistic and cultural genocide were discussed alongside physical genocide, and were seen as serious crimes against humanity (see Capotorti 1979). When the Convention was accepted in the UN General Assembly, Article 3 covering linguistic and cultural genocide was voted down by 16 states, and it is thus not included in the final Convention of 1948. But even when the states members of the UN in 1948 voted down the Article on linguistic and cultural genocide, there was wide agreement about how to define the phenomena. Thus what remains is a definition of linguistic genocide, which most states then in the UN were prepared to accept:

Article III (1) "Prohibiting the use of the language of the group in daily intercourse or in schools, or the printing and circulation of publications in the language of the group".

'Prohibition' can be direct or indirect. If there are no minority teachers in the pre-school/school and if the minority language is not used as the main medium of education, the use of the language is indirectly prohibited in daily intercourse and in schools, i.e. it is a question of linguistic

genocide. Most minority education in the world is thus tantamount to linguistic genocide, as defined by the UN. So is the education that most indigenous first nations have had and that many of them still have (see e.g. Hamel 1994; Jordan 1988; Fettes 1998). Skutnabb-Kangas (2000) gives hundreds of examples of this prohibition and the harm it causes.

Subtractive formal education which teaches children something of a dominant language at the cost of their first language (i.e. mother tongue by origin, as for oral minority children and for Deaf children with Deaf parents, or mother tongue by competence, as for Deaf children of hearing parents), is genocidal. Instead, learning new languages should happen additively, in addition to their own languages.

2. Linguistic human rights in education

2.1. Linguicism or LHRs in education

The haves and have-nots in the world are partially constructed on the basis of their ethnic origins and culture (their cultural capital) and on the basis of which languages (and variants of these) they know or do not know (their linguistic capital). Ethnicism and linguicism, are akin to and in the process of replacing traditional biologically argued racisms. They have been defined (Skutnabb-Kangas 1988, 13) as "ideologies, structures and practices which are used to legitimate, effectuate and reproduce an unequal division of power and (both material and non-material) resources between groups which are defined on the basis of 'race' (biologically argued racism), ethnicity and culture (culturally and ethnically argued racism: ethnicism), and language (linguistically argued racism: linguicism)."

Linguicism is a major factor in determining whether speakers of particular languages are allowed to enjoy their linguistic human rights. Linguicism is a much more sophisticated way of preventing the use of a language than brutal, visible genocide (for instance the type that the Kurds, especially in Turkey, are the victims of). Firstly, indigenous peoples and minority groups are, both structurally and through attempts at colonising their consciousness to make them believe in the ideology of monolingual reductionism, prevented from developing

their languages as one of the most important bases for being and for reproducing themselves as distinct groups or as peoples wanting self-determination. Secondly, groups are invisibilised and invalidated not only by refusing to allow their languages in official use and on school timetables but also with the help of the labels used about the groups and/or their languages. We use Sign languages as an example. In a written statement on Sign languages and the European Charter, Mr. Fernando Albanese, the then Director of Environment and Local Authorities in the Secretariat General of the Council of Europe, does "not think on the basis of the information in my possession that the Charter applies to Sign Languages" (quoted in Krausneker 1998, 22). The 'information' that Mr. Albanese claims to possess is in fact serious misinformation. He claims that "the Sign Languages are connected with a handicap and not with the membership to a group, ethnically, religiously or linguistically different from the majority of the population of a state". In relation to the definition of a "regional or minority language" for the purposes of the Charter, which requires that this language be "different from the official language(s) of the State; it does not include either dialects of the official language(s) of the State or the languages of migrants" (Article 1(a)ii), Mr. Albanese uses the following argument to exclude Sign languages. He thinks that the essential element required by the definition, namely "the difference in respect of the official language(s) of the State" is missing, because "[i]f I understand it correctly, Sign Languages are means of communication *within any language*" (1998, 22; emphasis added). In April 2000 the Danish Ministry of Foreign Affairs, rejecting the demand by the Danish Association of the Deaf that Sign language be included when Denmark ratifies the Charter, quoted the Council of Europe's legal department and argued that Sign Language did not fulfil the criteria for being a minority language; it is a "means of communication" rather than a (historical) language, also because the Danish Deaf use the Danish language in its written form as their written language. (This is of course what practically every Deaf community in the world does, even the ones who have been accorded official minority status by the states they live in. Most Sign languages do not as yet have 'writing systems'. If languages

without (everyday use of) their own writing systems were not seen as languages, some two thirds of the world's oral languages would also disappear, not be seen as languages.) All these arguments are false and based on complete ignorance of languages in general and Sign languages in particular, as any researcher in the area can testify (see Jokinen 2000 for an overview of LHRs and Deaf demands). Thirdly, peoples are denied self-determination because it is claimed that they do not possess one of the prerequisites for nationhood, a language: they only speak a dialect or a vernacular; or what they sign is not a language, it is just iconic, or a means of communication. And fourthly, people are made to believe that both this and the unequal division of power and material resources in general is fair, through hegemonic colonising of their minds with the dominant elite's ideas, mediated through (the dominant) language.

As compared to physical colonisation, physical violence and biologically argued racism, these are more sophisticated and more vicious means of widening the gaps in the world, of converting the have-nots into never-to-haves, and of concealing the responsibility of the elites for the increasingly fast pace of destroying the planet. Many scholars foresee the killing (or, as many of them call it, death) of at least 50% of the world's close to 7000 oral languages within our children's lifetime, and pessimistic but very realistic estimates say that 90% of today's oral languages may be seriously threatened or extinct in 100 years' time (e.g. Krauss 1992). Nobody has even made predictions of how many sign languages are doomed to extinction. The threat to linguistic diversity is thus much greater than the threat to biodiversity. See, for example, Posey (ed.) 1999, especially the article on language diversity by Maffi/Skutnabb-Kangas/Andrianarivo; Maffi 2000; 2001; Harmon 1995; 2002. A good place to continue is Terralingua's web-site, <<http://www.terralingua.org>>. "Terralingua is a non-profit international organisation devoted to preserving the world's linguistic diversity and to investigating links between biological and cultural diversity".

Thus LHRs in education are central for the maintenance of languages and for the prevention of linguistic and cultural genocide, regardless of whether this education takes place in schools, formally, or in homes

and communities, informally, and regardless of whether and to what extent literacy is involved. Transmission of languages from the parent generation to children is the most vital factor for the maintenance of both oral and sign languages. When more and more children gain access to formal education, much of their more formal language learning, which earlier occurred in the community, takes place in schools. If an alien language is used in schools, i.e. if children do not have the right to learn and use their language in schools, the language is not going to survive. "Modernisation" has accelerated the death/murder of languages, which without formal education had survived for centuries or millennia. One possible tool in maintaining and developing languages is to refer to the human rights system, when demanding mother tongue medium education.

2.2. What educational linguistic rights exist in international and regional covenants?

What linguistic human rights do international and European human rights instruments contain, especially in education. The linguistic protection of national minorities rests according to van der Stoep on two human rights pillar,

"the right to non-discrimination in the enjoyment of human rights; and the right to the maintenance and development of identity through the freedom to practice or use those special and unique aspects of their minority life – typically culture, religion, and language.

The first protection can be found, for instance, in paragraph 31 of the Copenhagen Document, Articles 2 (1) and 26 of the ICCPR, Article 14 of the ECHR, Article 4 of the Framework Convention, and Article 3 (11) of the 1992 UN Declaration. It ensures that minorities receive all of the other protections without regard to their ethnic, national, or religious status; they thus enjoy a number of linguistic rights that all persons in the state enjoy, such as freedom of expression and the right in criminal proceedings to be informed of the charge against them in a language they understand, if necessary through an interpreter provided free of charge.

The second pillar, encompassing affirmative obligations beyond non-discrimination, appears, for example, in paragraph 32 of the Copenhagen Document, Article 27 of the ICCPR, Article 5 of the Framework Convention, and Article 2 (1) of the 1992 UN Declaration. It includes a number of rights pertinent to minorities simply by virtue of their minority status, such as the right to use their language. This pillar is necessary because a pure

non-discrimination norm could have the effect of forcing people belonging to minorities to adhere to a majority language, effectively denying them their rights to identity ..." (OSCE High Commissioner on National Minorities 1999, 8–9).

Minorities have some support for other aspects of using their languages in areas such as public administration, courts, the media, etc. (Frowein/Hofmann/Oeter's edited books about minority rights in European States 1993 and 1994 give excellent overviews of Europe). But international and European binding Covenants, Conventions and Charters provide in fact very little support for linguistic human rights in education, and language is accorded in them much poorer treatment than other central human characteristics such as "race", gender and religion. Often language disappears completely in educational paragraphs. When it is there, the Articles dealing with education, especially the right to mother tongue medium education, are more vague and/or contain many more opt-outs and modifications than any other Articles, as many books and articles on linguistic human rights show (see, e.g., Guillorel/Koubi (red.) 1999; Kontra et al. (eds.) 1999; Phillipson/Skutnabb-Kangas 1994; 1995; 1996; Skutnabb-Kangas 1996a; b; 1999; Skutnabb-Kangas/Phillipson 1994; 1997; 1998). Some exemplification follows.

In many of the post-1945 human rights instruments, language is mentioned in the preambles and in general clauses as one of the basic characteristics (together with "race", "sex" and "religion", on the basis of which individuals are not to be discriminated against in their enjoyment of human rights and fundamental freedoms (e.g. in the joint Art. 2, *UN Universal Declaration*, and Art. 2.1, ICCPR; Art. 13 of the UN Charter, Art. 13). This shows that language has been seen as one of the most important characteristics of humans for enjoyment of their human rights.

But when we move from the preambles of the human rights instruments to the binding clauses, and especially to the educational clauses, all or most of the non-linguistic human characteristics are still there while language often disappears completely, as, for instance, in the *UN Universal Declaration* (1948) where the paragraph on education (26) does not refer to language at all. Similarly, the *ICESCR*, having mentioned language on a par with race, colour, sex, re-

ligion, etc. in its general Article (2.2.), explicitly refers to 'racial, ethnic or religious groups' in its educational Article (13), but omits here reference to language or linguistic groups:

... education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups ...

The *ECHR* of 1950 is equally silent on not only language rights in education but even more general minority rights, says Patrick Thornberry (1997, 348–349): "The Convention does not establish individual minority rights nor collective rights of minorities. Case-law has gradually mapped out what the Convention demands and permits". Several new Declarations and Conventions to protect minorities and/or minority languages have been passed in the 1990s. But even in many new instruments language has been omitted, for instance in the UN Centre for Human Rights in Geneva's a *Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination*, written for the UN Year Against Racism (1996). "Race, colour, descent, nationality or ethnic origin" are mentioned in the definition of racism but there is no mention of language.

If language-related rights are included and specified, the Article dealing with these rights, in contrast to the demanding formulations and the few opt-outs and alternatives in the articles dealing with other characteristics, is typically so weak and unsatisfactory that it is virtually meaningless. The clauses about other human characteristics create obligations and contain demanding formulations, where the states are firm duty-holders and "shall" do something positive in order to ensure the rights; there are few modifications, few opt-out clauses and alternatives. But not so for language, especially in education.

In the *UN Minorities Declaration*, adopted by the General Assembly in December 1992, most of the Articles use the obligating formulation 'shall' and have few let-out modifications or alternatives – except where linguistic rights in education are concerned. Compare, for example, the unconditional and supportive formulations in Article 1 about identity, with the education Article 4.3. (emphases added, 'obligating' in italics, 'opt-outs' in bold):

"1.1. States *shall protect* the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and *shall encourage* conditions for the *promotion* of that identity.

1.2. States *shall adopt appropriate legislative and other measures to achieve those ends.*

4.3. States *should* take appropriate measures so that, *wherever possible*, persons belonging to minorities have *adequate* opportunities to learn their mother tongue or to have instruction in their mother tongue."

Who is to decide what constitutes 'appropriate measures', or 'adequate opportunities', and what is 'possible'?

We can see a similar pattern of vague formulations, modifications and alternatives in the *European Charter for Regional or Minority Languages* (22 June 1992, in force since 1 March 1998). A state can choose which paragraphs or subparagraphs of the European Charter it wishes to apply (a minimum of 35 is required). Again, the formulations in the education Article, 8, include a range of modifications, including 'as far as possible', 'relevant', 'appropriate', 'where necessary', 'pupils who so wish in a number considered sufficient', 'if the number of users of a regional or minority language justifies it', as well as a number of alternatives, as in 'to allow, encourage or provide teaching in *or of* the regional *or* minority language at all the appropriate stages of education' (emphasis added).

Of course there are real problems in writing binding formulations which are sensitive to local conditions. Still, it is clear that the opt-outs and alternatives in the Charter permit a reluctant state to meet the requirements in a minimalist way, which it can legitimate by claiming that a provision was not 'possible' or 'appropriate', or that numbers were not 'sufficient' or did not 'justify' a provision, or that it 'allowed' the minority to organise teaching of their language as a subject, at their own cost.

The *Framework Convention for the Protection of National Minorities* (from November 1994, in force since February 1998) again has an Article covering medium of education which is so heavily qualified that the minority is completely at the mercy of the state:

"In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, *if there is sufficient demand*, the parties shall *endeavour* to ensure, *as far as possible* and

within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught in the minority language or for receiving instruction in this language (emphases added)."

The Framework Convention has been criticised by politicians and even by international lawyers, who are normally very careful in their comments, like Patrick Thornberry, Professor of Law at Keele University. His general assessment of the provisions, after a careful comment on details, is:

"In case any of this [provisions in the Convention] should threaten the delicate sensibilities of States, the Explanatory Report makes it clear that they are under no obligation to conclude 'agreements'. Despite the presumed good intentions, the provision represents a low point in drafting a minority right; there is just enough substance in the formulation to prevent it becoming completely vacuous" (Thornberry 1997, 356–357)

A still more recent attempt to promote language rights, a *draft Universal Declaration of Linguistic Rights*, handed over to UNESCO in Barcelona in June 1996), also suffers from similar shortcomings, even if it for several beneficiaries (language communities and, to some extent, language groups) represents great progress in relation to the other instruments described. Still, indirectly its education section forces all others except those defined as members of language communities (which roughly correspond to national territorially based minorities) to assimilate. The Declaration is under revision at UNESCO. News and/or details about some human rights instruments can be checked at the following web-sites: The European Charter for Regional or Minority Languages <<http://www.coe.fr/eng/legaltxt/148e.htm>>; Framework Convention for the Protection of National Minorities <<http://www.coe.fr/eng/legaltxt/157e.htm>>; Draft Universal Declaration of Linguistic Rights <<http://www.linguistic-declaration.org>>. Many documents on language and law can also be downloaded from Mercator Linguistic Law and Legislation's web-site <<http://www.troc.es/ciemen/mercator/index-gb.htm>>.

3. Positive Developments and Gaps

3.1. Recent positive developments

In addition to traditional examples of countries where at least some 'minorities' (in

terms of numbers) have more or less equal LHRs to majorities (Canada, Finland, Switzerland; India), there are some recent examples of what can be considered positive developments, at least on paper. Obviously implementation needs to follow (a problem in, for instance, South Africa and India). Without implementation, monitoring and proper complaint procedures many of the possibilities in the new or emerging instruments below are lost. What follows is a short list, with follow-up addresses, of some examples of positive recent human rights instruments, draft instruments, recommendations, declarations or comments.

1. UN, Human Rights Committee: General Comment on UN International Covenant on Civil and Political Rights, Article 27 (4 April 1996, UN Doc. CCPR/C/21/Rev. 1/Add. 5).
2. UN, Working Group on Indigenous Populations: Draft Declaration on the Rights of Indigenous Peoples; <<http://www.unhchr.ch/html/menu4/subres/9445.htm>>.
3. CIEMEN (Mercator Programme, Linguistic Rights and Law); The International Pen Club (Committee for Translation and Linguistic Rights): The draft Universal Declaration of Linguistic Rights (handed over to UNESCO in June 1997); <<http://www.troc.es/ciemen/mercator/index-gb.htm>>.
4. The Third World Network, Malaysia; The Cultural Environment Movement, USA; and the World Association of Community Radio Broadcasters, AMARC: Peoples Communication Charter (including an International Hearing on Language Rights, in May 1999, in The Hague; <<http://www.waag.org/pcc>>).
5. OSCE, High Commissioner on National Minorities: The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note; <<http://www.osce.org/>>.
6. The 1997 Harare Declaration from an OAU (Organisation for African Unity) Conference of Ministers on Language Policies in Africa.
7. The Asmara Declaration on African Languages and Literatures, 17 Jan. 2000; <<http://www.outreach.psu.edu/C&I/A11Odds/declaration.html>>.

The Hague Recommendations, 5 on the list, are most directly related to education. These educational guidelines, worked out by a small group of experts on human rights and education (including TSK), represent an authoritative interpretation and concretisation of the minimum in present human rights standards (see also van der Stoep 1997, Rothenberger 1997). Even if the term used is "national minority", the guidelines also apply to other groups, for instance immigrated minorities, and one does NOT need to be a citizen in order to be protected by the guidelines (both these observations follow from the UN Human Rights Committee's General Comment on Article 27, 1 on the list above).

In the section "The spirit of international instruments", bilingualism is seen as a right and responsibility for persons belonging to national minorities (Art. 1), and states are reminded not to interpret their obligations in a restrictive manner (Art. 3). In the section on "Minority education at primary and secondary levels", mother tongue medium education is recommended at all levels, including bilingual teachers in the dominant language as a second language (Articles 11–13). Teacher training is made a duty on the state (Art. 14). Finally, the Explanatory Note states that

"submersion-type approaches whereby the curriculum is taught exclusively through the medium of the State language and minority children are entirely integrated into classes with children of the majority are not in line with international standards" (p. 5).

If The Hague Recommendations were to be implemented, linguistic genocide in education could be stopped and children would have some of the most vital LHRs. Several books elaborate how this can be done in practise (e.g. May, ed. 1999; Skutnabb-Kangas, ed. 1995).

3.2. Gaps

Only some important gaps will be mentioned, with European examples. Despite applauding linguistic diversity, official EU policies and policies of most of the member countries in their application hierarchise languages in ways which counteract diversity and form a threat to many languages. The hierarchisation is clear even within the elite of the first division. Spanish has in the February 1999 version of the *Ethnologue*

(<http://www.sil.org/>), the best available inventory of the world's (oral) languages, overtaken English so that it is now registered as the language with the second largest number of mother tongue speakers in the world, after Mandarin Chinese. Still, it is hardly ever even mentioned as a fourth candidate for a European lingua franca (in addition to English, French and German). Among the 20 official and working languages of the EU, several languages with some kind of official status in member countries are missing (Banque and Catalan just to mention two). The *European Charter* is supposed to be an inclusive, positive language rights instrument. Still, it excludes many more languages in Europe than it includes. It excludes explicitly immigrant languages and 'dialects' of languages. Covertly, it has also excluded all Sign languages, using completely false argumentation, as is shown above in 2.1. The often appalling ignorance about basic language matters is a serious gap, and it should be the ethical responsibility of researchers to remedy it. False information or lack of information about both research results and details in human rights instruments that the various countries have signed and ratified are also more the rule than an exception when decisions are made about the education of immigrant minorities. Important language status planning decisions are based on this type of false information, even in situations where the correct information is easily available and has in fact been offered to the decision makers. Sadly, also many researchers suffer from this lack of information. Here more transdisciplinary co-operation between, for instance, human rights lawyers, sociolinguists and educationists, is urgently needed (see the Introduction in Kontra et al. 1999; May 1999, 2001). Often Western researchers also suffer from ethnocentricity, and lack of knowledge of the languages and cultures of others (see Kontra 2000).

Obvious inconsistencies or lack of logic are also common. Some Nordic 'development co-operation' supports multilingual education schemes in, for instance, Latin America, while working against similar schemes for immigrant minorities in the Nordic countries (see Danish examples in Skutnabb-Kangas 2000, 552–553; see Brock-Utne 1999 on more general criticism).

But lack of linguistic human rights is not only an information problem. The political

will of states to grant linguistic human rights is the main problem. Human rights, especially economic and social rights, are, according to human rights lawyer Katarina Tomaševski (1996, 104), to act as correctives to the free market. She claims (*ibid.*, 104) that the "purpose of international human rights law is [...] to overrule the law of supply and demand and remove price-tags from people and from necessities for their survival." These necessities for survival include not only basic food and housing (which would come under economic and social rights), but also basics for the sustenance of a dignified life, including basic civil, political and cultural rights – and linguistic human rights are a part of cultural rights. The message from both sociologists like Zygmunt Bauman and human rights lawyers like Katarina Tomaševski and many others is that unless there is a redistribution of resources for implementing human rights, progress will be limited. It is probably not even of any use to spread knowledge of human rights as a basis for self-directed human development, unless the resources for implementation follow, and that can only happen through a radical redistribution of the world's material resources.

4. Literature (selected)

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Abbreviations:

- European Charter = (Council of Europe's) European Charter for Regional or Minority Languages
- ECHR = the European Convention on Human Rights and Fundamental Freedoms Framework Convention = (Council of Europe's) Framework Convention for the Protection of National Minorities
- ICCPR = UN International Covenant on Civil and Political Rights
- ICESCR = UN International Covenant on Economic, Social and Cultural Rights
- OSCE = Organisation for Security and Co-Operation in Europe
- UN Universal Declaration = United Nations Universal Declaration of Human Rights
- UN Charter = United Nations Charter of Human Rights
- UN Minorities Declaration = the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

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