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LINGUISTIC HUMAN RIGHTS FOR THE KURDS

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INTRODUCTION

Linguistic majorities normally take it for granted that their children can be educated through the medium of their own language, and that this language can be used in all (or most) official situations. They also take it for granted that the school supports the children in learning the official language (= their mother tongue) as well as possible. Many of them are not aware of the fact that these for them self-evident rights are in fact denied to most linguistic minorities in the world, even when these rights should be seen as fundamental, inalienable linguistic human rights.

We shall report on some of the work currently taking place, particularly in supra-national organizations like the CSCE and the Council of Europe, in order to clarify what linguistic rights consist of, and to assess their importance for the Kurds. Kurdistan represents an extreme case of how a people can be deprived of their linguistic human rights. We will ask what support the Kurds can obtain from supranational initiatives and efforts to codify linguistic human rights, and what implications there are for future strategy.

LANGUAGE AS THE MEANS FOR COLONIZING THE MIND

We see language in its broad context. We are not only talking about language as it is seen in linguistics or in education. We are talking about language and linguistic rights in a context of power and resources. We are talking about the role of language in politics. Linguistic human rights are granted or refused to people for reasons which have to do with access to power and resources.

When somebody or something is colonized, three different things can be colonized. Firstly, **a people's land, water and other resources can be colonized**, and Kurdistan is rich in resources of this kind. Secondly **a person's body can be colonized**, as was the case under slavery. And thirdly, **a person's and a group's mind can be colonized**.

Colonization of the mind, a colonized consciousness, has profound future implications for the possibility of colonization of land and water and other resources and the colonization of the body.

Turkey engages in all three forms of colonization in relation to Kurdistan. Iran, Iraq and Syria have also engaged in all three types, but there have been periods when these states have not tried to colonize the Kurdish mind quite in the same way that Turkey has done and is still doing.

Colonization of the mind obviously happens through the medium of language, because you cannot colonize a person's mind unless that person understands what you say. **Education is the most systematic way of colonizing children's minds** because the children are young and do not have the same means of resisting a colonization of their minds which adults may have. Religion also colonizes people's minds to some extent, and it also operates through language. A focus on education is important, as education is the most efficient and systematic means of colonizing a person's mind, and colonizing a person's mind is the most efficient means of enabling a continuation of the other types of colonization.

HAS THE OPPRESSION OF THE KURDISH LANGUAGE ENDED?

During the last one and a half years, the Turkish government has attempted to persuade world opinion that the oppression of the Kurdish language has ended. Study of the Turkish constitution (1982) tells a different story - and the constitution is still valid. The language of Turkey is still Turkish.

"The state of Turkey is in its state territory and state citizens an indivisible whole. Its language is Turkish." (Constitution, Article 3).

Other formulations that prohibit the use of languages other than Turkish, are also still valid:

"No language prohibited by law may be used for disclosure or publication of ideas and opinions. Written or printed materials, records, tapes, videotapes as well as other means of expression that are in violation of this prohibition will be confiscated..." (Constitution, Article 26/3)

This is clearly aimed at Kurdish. Even if the law 2932 was repealed 12th April 1991, the constitution still prohibits Kurdish (for details of the laws mentioned, see Rumpf 1989 and Skutnabb-Kangas & Bucak, in press).

THE ANTI-TERRORIST LAW CAN MAKE ANYBODY A TERRORIST

When some of the worst paragraphs in the Turkish criminal code were repealed in April 1991, a new law, the Law to Fight Terrorism (3713, in force since 12 April 1991), was passed. In relation to the anti-terrorist law, what is important is to see what forms of "terrorism" are regarded as being a threat to the Turkish state.

The first two articles of the law show extremely clearly that any political party in any country, if they were parties in Turkey, for instance a social democrat party, a conservative party, could be defined as "a terrorist organization", according to Article 1. Anyone discussing linguistic human rights, stating that the Kurdish language should have rights, that speakers of the Kurdish

language should have rights, Kurdish children should have the right to have Kurdish as the medium of education, anyone writing about this, and analysing how Turkish legislation and practice is in violation of international covenants, anyone producing a book on this topic (we are in fact producing one currently for Cambridge University Press, called Linguistic Human Rights), can be imprisoned for decades, according to paragraphs 1, 2 and 8 in the anti-terrorist law.

The anti-terrorist law has in fact doubled the penalties for making statements of this kind, instead of making the use of the Kurdish language free. The law is formulated thus:

"Terrorism is any kind of action conducted by one or several persons belonging to an organization with the aim of changing the characteristics of the Republic as specified in the Constitution, its political, legal, social, secular and economic system, **damaging the indivisible unity of the State with its territory and nation**, endangering the existence of the Turkish State and Republic, **weakening** or destroying or seizing **the authority of the State**, eliminating fundamental rights and freedoms, or damaging the internal and external security of the State, public order or general health by any one method of pressure, force, violence, terrorization, intimidation, oppression or threat.

An organization as described in this Law is constituted by **two** or more **people gathering under a common aim.**" (Article 1)

Our underlinings serve to highlight some of the formulations which can be used to prosecute a person who claims linguistic human rights.

Article 2 defines Terrorist Criminals:

"A member of an organization, founded to attain the aims defined in Article 1, who commits a crime in accordance with these aims individually or with others or a member of such an organization, though not committing the intended crime, is called a terrorist criminal.

Those who are not members of the terrorist organization, but commit a crime in the name of the organization count as terrorist criminals and are punished like members of the organization."

Articles 3 and 4 define what Terrorist Crimes and Crimes Committed for Terrorist Purposes are. Article 8, Propaganda against the indivisible unity of the State, stipulates

"Written and oral propaganda and assemblies, meetings and demonstrations aiming at damaging the indivisible unity of the State of the Turkish Republic with its territory and nation are forbidden, regardless of the method, intention and ideas behind it. Those conducting such an activity are to be punished by a sentence of between 2 and 5 years' imprisonment and a fine of between 50 million and 100 million Turkish pounds."

So regardless of what the intentions are, or the underlying ideas supporting such statements, we could be given a sentence of between 2 and 5 years, and a fine of between 50 million and 100 million Turkish pounds for, for instance, writing this paper. A "terrorist organization" can consist

of two persons united by a joint theme, such as us talking about linguistic human rights for the Kurds, making us a "terrorist organization".

All those who participate in the "terrorist" act of writing in a book about linguistic human rights, where these rights are demanded also for the Kurds, not only the authors, but also the editors, publishers, distributors, even the technicians who operate the printing machines, can be prosecuted, and their assets sequestrated. Cambridge University Press, the publisher of the book **Linguistic Human Rights**, can be fined and their property confiscated.

TURKEY IN CONTRAVENTION OF HUMAN RIGHTS COVENANTS

Turkish constitution and laws are in contravention of many of the international United Nations and European human rights covenants and conventions which Turkey is a signatory of - or, in some cases, very significantly, which Turkey has NOT signed (see Skutnabb-Kangas & Bucak, in press). In the context of the current redefinition of the European map it is important to look at some of the international and European human rights activities Turkey is taking part in. Next we will discuss some of this work.

There are several European and regional organizations doing very relevant work in the area of human rights. We are fully aware that the term "minority" is a very complex one, and that in Kurdistan the Kurdish-speaking group is the predominant one. However, granted that Kurds are marginalized, and turned into a powerless majority in the states in which they are resident, they should at least enjoy the rights which are granted to minorities. Minorities are normally defined in terms of power relations, as a non-dominant group (1). The important question is whether Kurds can benefit by existing supranational efforts to support minorities. The definitions of minority in the newly approved conventions and/or drafts from the Council of Europe are such that the Kurds should be able to benefit from the provisions referred to. In the present political circumstances, they are "a minority" in the areas they natively inhabit. The rights mentioned are the minimum that the Kurdish people should enjoy.

The Council of Europe (of which Turkey is a member) has just approved a **Charter for Regional or Minority Languages** (22 June 1992), which, in Article 5 commits member states, among other things to encourage the use of minority languages, in speech and writing, in public and private life. In education the teaching and study of regional and minority languages should be encouraged at all appropriate stages. There is also a provision that non-speakers of the minority language living in the area where it is used should be able to learn it, if they so desire. This could also apply to other minorities living in a Kurdish-speaking area.

Another relevant **Council of Europe** initiative, drafted by one of its bodies, the European Commission for Democracy through Law, is the "**Proposal for a European Convention for the Protection of Minorities**" (CDL 91 - 7, which is accompanied by a substantial Explanatory Report (CDL 91 - 8). The Convention stipulates that minorities, including linguistic minorities, shall have the right to "respect, safeguard and development of their ethnical, religious, or linguistic identity" (Art. 3.2), to "freely preserve, express and develop their cultural identity in all its aspects, free of any attempts at assimilation against their will" (Art. 6.1). According to Art.

7, the individual has the right to "use his language freely, in public as well as in private".

The Conference on Security and Cooperation in Europe (CSCE) became from the late 1980s a major forum for East-West links and for specifying what human rights should obtain in the member countries. According to those representing the Turkish state, and who spoke yesterday at this conference, Turkey believes that the principles of the CSCE should govern the treatment of Kurds. **The Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE** (1990) states unambiguously that national minorities should have the right to maintain their ethnic, cultural, linguistic or religious identity, the right to seek voluntary and public assistance to do so in educational institutions, and should not be subjected to assimilation against their will (CSCE 1990a, 40). Several later meetings (held in Paris, Moscow, Helsinki) have also made pronouncements on minorities, and, predictably, run into difficulties in defining them.

CSCE uses in its definition of minorities the same clause which the proposed European Convention for the Protection of Minorities uses (see above, and note 1), i.e. persons belonging to a national minority do so as a matter of the individual's personal choice. The significant implication of this is that it is up to the Kurds themselves to decide whether they are a group of this kind, and the Turkish state cannot decide it for them. If an individual Kurd claims that she or he belongs to a national minority, then, according to Turkey, the Kurd should enjoy all the rights of the type enumerates (where we have only referred to those rights that refer to language in education). We know, alas, that Turkey, despite its international protestations, in fact defies all these paragraphs in question.

When the Turkish Constitution, the Anti-Terrorist Law, the Criminal Code and the most recent enactments in Turkey are contrasted with international and European covenants that Turkey has signed, and with other countries, it is possible to conclude that **Turkey is the country in the world which tries with the most brutal legal means to kill a language**. While other countries attempt to achieve a similar goal by means of assimilation, no other country in the world attempts by such brutal constitutional means to kill a language.

TURKEY COMMITS LINGUISTIC GENOCIDE

In comparison with other indigenous/migrant/refugee minority children the Kurdish children's situation is exceptionally difficult, because of the Turkish linguicidal policy.

Linguicide, linguistic genocide, is treated on a par with physical genocide in Article III, which was included in the final draft when the Convention on the Prevention and Punishment of the Crime of Genocide (E/794) was prepared by the UN in 1948 (this article was vetoed in the final session, though). The article defined linguistic genocide as follows (Capotorti 1979, 37):

"(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".

Turkey has tried and is still trying to commit literal, **physical genocide** on Kurds (see

publications by Initiative for Human Rights in Kurdistan, e.g. **Silence is killing them**, 1990, and Helsinki Watch reports, e.g. **Destroying Ethnic Identity. The Kurds of Turkey. An Update**, September 1990, New York & Washington, largely based on a report from a fact-finding mission by the Danish professor Erik Siesby, Chair of the Danish Helsinki Commission). In addition, Turkey is every day committing linguistic and cultural genocide on Kurds, according to the UN definition above, through its laws (the Constitution from 1982, e.g. articles 3, 26.3, 28.2, 42.9, the Criminal Code, and the Law to combat terrorism, law 3713 from April 12 1991). Turkey does this not only in Kurdistan but also in areas outside Kurdistan in Turkey. Turkey also tries, through its Embassies abroad in countries where Kurds live as labour migrants or as political refugees, to force these countries to continue the Turkish linguistic policies.

And this is what happens to Kurdish children in other countries too where they live as children of migrant workers or refugees. The schools in most of these countries continue the linguistic Turkish policy. It is important to note that Turkey prevents the use of the Kurdish language in official situations like schools by prohibiting it in law, imprisoning, torturing, fining and killing people. Countries like Denmark, Germany, France, etc prevent the use of Kurdish in schools, among other things,

- by making the Kurds invisible in the statistics,

- by pretending that Turkish is their mother tongue,

- by presenting as their own the false official Turkish claims about the Kurdish language (e.g "There does not exist as far as is known any norm for written language which could be used for Kurds from Turkey" (Ministry of Education in Denmark, (Undervisningsministeriet) 1981,99) (2), and

- by not having Kurdish teachers and pre-school teachers in schools.

Every pre-school with Kurdish children but no Kurdish pre-school teachers commits linguistic. Every school with Kurdish children but no Kurdish teachers commits linguistic. Both Turkey and those other countries where Kurdish children live under circumstances described above, commit linguistic genocide on Kurds. Again, Turkey does it more brutally than other countries, but many other countries do it too. This is one of the reasons why the Kurds cannot expect much help from European countries. NATO countries show more solidarity with each other than with the Kurds.

In addition, all these countries are guilty of racial discrimination of Kurdish children, according to Art. 1.1 and 2.2 of the International Convention on the Elimination of All Forms of Racial Discrimination. They deny Kurdish children full access to education because of their ethnic origin. Kurdish children are deprived of most fundamental linguistic human rights, in Turkey as well as several other countries, rights which Turkish-speakers in Turkey and majority language speakers in other countries take for granted and see as self-evident - for themselves.

ARGUMENTS FOR WHY KURDISH CHILDREN SHOULD BE EDUCATED

THROUGH THE MEDIUM OF KURDISH

If the international community were to succeed in forcing Turkey to stop its genocide and linguocide, many people might agree that Kurdish children in principle should enjoy the same linguistic and educational human rights which most linguistic majority children enjoy. Here it is important to bear in mind the significance of education for assimilation and for colonization of the mind. But when one makes some of these rights concrete and says that, for instance, all Kurdish children, in Kurdistan and elsewhere, should have their basic education (at least primary and lower secondary education) through the medium of their mother tongue, Kurdish, people often come with counterarguments and say that this is impossible. Many of the arguments for why **all** minority children should have their basic education through the medium of their mother tongue, are not well known either. In this section some of the arguments are listed (3). These arguments also make it easier to understand why the results would be better. The arguments are formulated to express why Kurds **SHOULD** be taught through Kurdish. But first two often used myths, arguing for the opposite, are presented. They are counteracted in the linguistic arguments.

The two myths:

1. Kurdish is a primitive language. It cannot be used as a medium of education.
2. Kurds both in Turkey, Iran, Iraq and Syria and in other countries where they live as migrants/refugees **MUST** learn the dominant, official language in that country. If Kurdish children are educated through the medium of Kurdish, they don't learn this majority language.

1. LINGUISTIC arguments

All languages can be used as media of education. There are no primitive languages. All languages in the world, spoken natively by a group of people, are logical, cognitively complex and systematic. All languages are capable of functioning as media of education, provided enough resources are used to develop the vocabulary in scientific fields. Even languages which have never been written can be used (and have been successfully used) as media of education. The Kurdish language has been developed enough to be used as medium of education in basic education and in most fields in secondary education and beyond (see e.g. Amir Hassanpour's PhD thesis **The language factor in national development: the standardization of the Kurdish language, 1918-1985** (University of Illinois at Urbana-Champaign, 1989, 464 pages)

High level bilingualism is possible for every normal child.

High level competence in the mother tongue (which Kurdish children would get in mother tongue medium education), support second and foreign language learning, instead of preventing/harming it. **High level bilingualism develops in additive but not in subtractive language learning situations.** If a child knows Kurdish well, she will also learn other languages (English/Turkish/Farsi/Arabic/German) better, because of

- better concept development,
- a better capacity to analyse, and
- a higher degree of metalinguistic awareness (being aware of language, its properties and functions)

2. PSYCHOLOGICAL arguments

A cognitive

Cognitive-academic language proficiency (CALP), needed for school achievement, especially after the first grades, is enhanced, if the child understands the instruction

B affective

Mother-tongue-medium education for a minority group gives

- security
- self-confidence
- motivation (for learning content-matter and languages)
- resistance to letting oneself become the victim to be blamed

3. PEDAGOGICAL arguments

- it is easier to learn through a language one understands
- it is easier to learn if only content matter is new. If both content and the language it is taught in are new, learning is impeded
- not understanding the instruction leads to miseducation
- learning a dominant language AT THE EXPENSE of the mother tongue, in a SUBTRACTIVE language learning situation, which is what most Kurdish children in the world undergo now, leads to low levels of linguistic competence in both languages, especially low CALP, and a risk of poor school achievement. This is the fate of many Kurdish children now. Learning a dominant language or any second or foreign language IN ADDITION to the mother tongue, in an ADDITIVE language learning situation, leads to high levels of competence in both languages and a chance of positive school achievement.

4. SOCIAL PSYCHOLOGICAL arguments

- a child must know who she is, where she comes from, what her linguistic and cultural heritage

is, for a sound personal identity development

- a child's linguistic and cultural heritage and identity must be accepted and respected, and the child must be able to be proud of them, for a sound social identity development.

"A person forced to leave her language loses the meaning of her life. A people has a genetic soul. It is best transmitted in their own language", says Andres Sütö, Hungarian author from Transsilvania, Romania

5. SOCIOLOGICAL arguments

Both forced assimilation and forced segregation lead to linguistic, psychological, social psychological and pedagogical problems of marginalisation, alienation, low levels of achievement, colonised consciousness and disempowerment. We can see much of this happening with Kurdish children.

6. ECONOMIC arguments

- wrong educational policy leads to massive failure. The costs of this failure in terms of compensatory teaching, the social therapeutic apparatus, youth unemployment and criminality etc can be enormous

- wrong educational policy leads to permanent disabling of the victims in those spheres where formal education is needed. We heard this morning at this conference how few Kurds there are in leading positions. It is not only a question of not accepting them in those positions, it is also a question of consciously disabling them for those positions through the educational system. Wrong educational policy also prevents the development of a welfare state for economic reasons. When you produce enough victims, which the welfare state then should take care of, no welfare state can afford to do that.

- self-sufficiency and the development of a well-educated work force for local needs are prevented

- missing out of economic opportunity because of disqualifying educational structures leads to stagnation and both internal and international migration (where the country of origin of the migrants is the economic loser). This is also what we see in Kurdistan.

7. POLITICAL arguments

Democratic participation is prevented through miseducation

8. HUMAN RIGHTS arguments

It is - or should be - a linguistic human right to

- identify with one's mother tongue and have this identification accepted and respected by others. This is not done in Turkey.
- learn one's mother tongue fully (= have it as a medium of education). This is not respected in Turkey, or in other countries in relation to Kurdish children.
- use one's mother tongue in official situations (including day care and school). This certainly not the case in Turkey.
- learn the official language(s) fully (as a second language, taught by bilingual teachers). This is not done in Turkey either.
- understand the instruction and profit from it. Kurdish children do not have this right either, at least not during the first years of their schooling (4).

WHY SHOULD THE KURDISH LANGUAGE HAVE FULL LINGUISTIC HUMAN RIGHTS IN TURKEY (or in countries where Kurdish children live as children of migrants/refugees)?

The arguments presented above look at the education of a Kurdish child from an individual child's point of view. But if a country miseducates its minorities, the consequences will be seen also at a societal level. What happens in a country where linguistic human rights are oppressed? In the last section we will look at the arguments for why Kurdish children should be educated through the medium of Kurdish, from a societal point of view. The arguments claim that it is beneficial for the majority population and the country as a whole to give its minorities, here especially the Kurds, full linguistic human rights.

1. SOCIAL PSYCHOLOGICAL arguments

Linguistic oppression

- destroys trust and co-operation between different groups. This is something that can be seen in Turkey and in other countries occupying Kurdistan.
- breeds negative traits of character in the majority group : ethnocentricity, arrogance, racism, ethnicism and linguicism. It may also have negative consequences in the development of the minority group : bitterness and hatred or colonised consciousness may result. If we want to have peace and co-operation in the world, this development does not enhance it.
- leads to the spread of monolingual stupidity, one of the worst diseases in the world, which

many of the big western countries really suffer from, whereas e.g. Middle East has traditionally not done so to the same extent. Monolingual stupidity is a false belief that monolingualism is normal, desirable and inevitable. It was the traditional concomitant of the development of western style nation states, but impedes a European and global integration now.

2. SOCIOLOGICAL arguments

Linguistic oppression

- breeds resistance
- prevents integration
- prevents development of democracy

3. ECONOMIC arguments

- financing an ever increasing state apparatus of violence and control (or a therapeutic apparatus and a security net) prevents alternative positive investment. If Turkey used all the money that goes to upholding the state apparatus of violence and control, for positive measure to develop Kurdistan, the situation in Kurdistan, and in Turkey, would be completely different.

- not using the knowledge and labour potential of the country fully prevents development. This is partly why Turkey is an underdeveloped country. It certainly has other, external, reasons too, but this is the most important internal reason for the underdevelopment.

- preventing the development of high level multilingualism prevents free mobility of goods, services, people and capital

4. POLITICAL arguments

A country/state which oppresses linguistic and cultural human rights of its people, loses legitimacy in the eyes of its own citizens and increasingly also in the eyes of the international community. We have seen this happening during the last few months, Iraq and Turkey losing their legitimacy in the eyes of the international community.

5. HUMAN RIGHTS arguments

"The right of peoples to express themselves in their regional or minority language in private and social life is an inalienable right"

(European Charter for Regional or Minority Languages, Preamble, Council of Europe, June 1992)

"... affirms that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law"

(The Charter of Paris for a New Europe, agreed at the CSCE Summit, November 1990, p. 3)

CONCLUSIONS

Why is Turkey acting in a way which makes it the most brutal country in the world in trying to kill a language with legal means? The Kurds are probably the largest nation in the world without a state of their own. If you have 30 million people, physical genocide is almost impossible. Turkey is trying to accomplish it and so is Iraq, and both Iran and Syria have at times tried it. But you cannot, in the 1990s, kill 30 million people physically, without a nuclear war, without the international community reacting at least in some way. If Turkey cannot kill the Kurds physically, then a cultural and linguistic genocide is seen as an alternative that can be used in addition to physical genocide. It is much more difficult to detect and to fight than physical genocide, because the results are not seen immediately. But the results are at least as serious for the Kurds as a group, as a nation, as the results of physical genocide. You cannot kill 30 million people physically, as we said. But you can, through miseducation and oppression of linguistic and cultural rights try to assimilate as many as possible of those 30 million people. If the assimilation succeeds, you will have fewer and fewer Kurds to control, fewer and fewer Kurds to fight. Through linguistic and cultural genocide you do not kill their bodies but their souls. Therefore it is just as important to struggle for linguistic and cultural and educational rights as it is to struggle for other human rights and for political and economic self-determination of the Kurds in an independent Kurdistan.

The Bonn Declaration of Human Rights for the Kurds (see Appendix) is a step in the right direction.

Notes:

1. The definitions of both MINORITY and different types of minorities (INDIGENOUS, NATIONAL, REGIONAL, TERRITORIAL, IMMIGRANT etc) are notoriously difficult (see e.g. Capotorti 1979, Andrysek 1989; see also UN:s Human Rights Fact Sheet No 18, Minority Rights, 1992, 8-10). Most definitions use as defining characteristics the following:

A. NUMBERS

B. DOMINANCE is used in some but not others ("in an inferior and non-dominant position", Andrysek 1989, 60; "in a non-dominant position", Capotorti 1979, 96).

C. The group has to possess ethnic or religious or linguistic TRAITS, FEATURES OR CHARACTERISTICS OR CULTURAL BONDS AND TIES which are (markedly) DIFFERENT from those of the rest of the population, according to most definitions.

D. A will/wish (if only implicit) to SAFEGUARD or PRESERVE or STRENGTHEN the

patterns of life and behavior or culture or traditions or religion or language of the group is specifically mentioned in most definitions (e.g. Capotorti 1979, 96). Language is not included in all of them (e.g. not in Andrysek's definition 1989, 60).

E. Most definitions in charters and covenants require NATIONALITY in the state concerned as part of the definition, i.e. minorities are defined so as to give national or regional minorities more rights than to immigrants and refugees (who, by definition, are considered non-national and non-regional). In contrast, academic definitions for research purposes often make no mention of nationality as a criterion (cf. Riggs 1985, 155, 102).

We use the following definition of a minority for purposes of linguistic human rights:

"A group which is smaller in number than the rest of the population of a State, whose members have ethnical, religious or linguistic features different from those of the rest of the population, and are guided, if only implicitly, by the will to safeguard their culture, traditions, religion or language.

Any group coming within the terms of this definition shall be treated as an ethnic, religious or linguistic minority.

To belong to a minority shall be a matter of individual choice"

The definition is based on our reformulation of the definition used by Council of Europe Commission for Democracy through Law (91) 7, Art. 2. We have in our definition omitted the requirement of citizenship ("who are nationals of that State"), because a forced change of citizenship to our mind cannot be required in order to be able to enjoy basic human rights. As long as many immigration states practice a fairly restrictive policy (for instance residence requirements which are more than 3-4 years, and/or linguistic requirements, often based on evaluations by non-linguists) in granting citizenship, it also seems to us that especially children may suffer unduly if they are only granted basic linguistic rights after upwards of 5 years in the new country.

If an individual claims that she belongs to a national minority, and the State claims that there are no national minorities in that State (e.g. Kurds in Turkey or Finns in Sweden), there is a conflict, and the State may refuse to grant the minority person/group rights which it has accorded to granting to national minorities. In most definitions of minority, minority rights thus become conditional on the acceptance by the State of the existence of a minority in the first place, i.e. only exo-definitions (definitions by outsiders, not by the individual/group concerned) of minorities are accepted. According to our definition, minority status does NOT depend on the acceptance of the State, but is either "objectively" ("coming within the terms of this definition") or subjectively ("a matter of individual choice") verifiable. Many of the definitions of indigenous minorities have this combination of "objective" characteristics and self-identification (e.g. the definitions of Sámi for the purposes of voting rights to the Sámi Parliaments in Finland and Norway, see Magga, in press). The trend seems to be towards self-identification only, for numerically small groups.

2. Undervisningsministeriet, **Undervisning af fremmedsprogede elever i folkeskolen. En**

redegørelse, 1981

3. For theoretical and empirical evidence for the arguments, see e.g. Skutnabb-Kangas, Tove 1984 **Bilingualism or Not - the Education of Minorities**