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INTRODUCTION

Denial of linguistic human rights, linguistic and cultural genocide and forced assimilation through education are characteristic of many states, notably in Europe and Neo-Europes. States have three main reasons, one more economic, two more political.

The **economic** reason has to do with seeing homogenization (including monolingualism and monoculturalism) and standardisation as necessary prerequisites for consumerism, efficiency and large single markets.

The first **political** reason is to try to mediate the conflict between the two important principles in international law, the principle of self-determination on the one hand and the principle of the territorial integrity and political sovereignty of present states on the other hand. Through denial of linguistic human rights and through linguistic and cultural genocide the states seem to hope that there will eventually be no groups left to demand self-determination because the states will be homogenized as a result of the forced assimilation. Language plays here a multiple role from a collective point of view.

The second **political** reason has to do with power and control. Physical violence as a means of control is already increasingly seen as unacceptable between states. It will be seen as increasingly unacceptable within states too, even if there is still a long way to go. Instead of and in addition to physical violence, carrots and ideas are used, remuneration and persuasion. In order for people to accept common norms which are a prerequisite for seeing at least symbolic remuneration, for instance status-related rewards and benefits, as remuneration, hegemonic ideas have to be spread. Ideas are spread mainly through consciousness industry (most importantly education, mass media and religions). Even if visual and audio-images are important, ideas are mainly spread via language.

In order for everybody to understand the power holders' language (and to prevent people from the analyses needed for counterhegemonies), minorities and dialect-speakers have to be forcibly assimilated, and everybody in the world has to learn (some) English. A common language, preferably learned in a subtractive way, is the most important prerequisite for ruling and control via ideas. Again, this can be achieved by denying linguistic human rights. And this is in fact what is done in education.

LINGUISTIC GENOCIDE

When the United Nations did preparatory work for what later became the International Convention for the Prevention and Punishment of the Crime of Genocide (E 793, 1948), **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, Article 3 from the

final Draft, which covered linguistic and cultural genocide, was voted down by 16 states (some of the "great powers"), and it is thus **not** included in the final Convention of 1948. But what remains, however, is **a definition of linguistic genocide**, which most states which were members of the UN in 1948 were prepared to accept. The "group" that is mentioned in the definition refers to a minority group or an indigenous people. Linguistic genocide is defined in Art. 3, 1 of the final Draft of the Convention as

"Prohibition of 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".

I claim that the use of a minority or indigenous language can be prohibited overtly and directly or covertly, more indirectly. Turkey prohibits the use of the Kurdish language brutally and directly, by law and by killing, torturing, imprisoning, threatening and fining heavily people who want to use Kurdishⁱ. The use of a language can also be prohibited indirectly, not with the help of physical force, but structurally and ideologically, in much more sophisticated ways. The use of a minority language is **in fact** prohibited "in daily intercourse or in schools" every time there are minority children in day care centres and schools, but they are not taught by minority teachers who are legally allowed to use the language of the minority children as the main medium of teaching and child care most of the time.

This is the situation for most immigrant and refugee minority children in all Western European countries, in the US, Canada and Australiaⁱⁱ. Immigrant minority education in these European or Neo-European countries is thus guilty of linguistic genocide, according to the UN definitionⁱⁱⁱ. It is also the situation for most indigenous peoples in the world^{iv}.

At the same time, the minorities whose languages are being killed, are being made to believe that it is not only necessary but beneficial for them, and often that they leave their languages behind them voluntarily because they want to modernise or join the so called mainstream.

The difference between the way that such countries as Turkey on the one hand and, for instance, Sweden, the United States or Australia on the other hand, commit linguicide is that the **covert** linguicide (the type that most Western states use in their educational systems) is more efficient, as compared with the **overt** version (as in Turkey). Within 2-4 generations, there are fewer speakers of most minority languages in these European/ised countries than in more openly linguicidal countries. Kurds in the Turkish part of Kurdistan where the Kurdish language has been forbidden by law since 1924, still know Kurdish well and resist linguistic oppression, whereas many former Spanish-speakers in the USA, Italian- or German-speakers in Australia and Finnish-speakers in Sweden have assimilated and no longer know the language, at least not well^v. It is often more difficult to struggle against covert violence, against the colonization of the mind, where short-term "benefits" may obscure longer-term losses.

The Western educational system is more efficient in committing linguistic genocide than countries which imprison and torture people for the crime of speaking their own language (which they should be praised for, not tortured - Fishman 1993).

As long as indigenous and minority children are not granted basic linguistic

human rights in education, including the right to mother tongue medium education during at least the whole of the primary education (6-8 years), linguistic (and cultural) genocide continues. As hinted at above, I see the question of linguistic rights for immigrant minorities as one small but significant part in the global struggle about structural power and material resources.

WHAT RIGHTS DO IMMIGRANT MINORITIES HAVE IN INTERNATIONAL LAW?

In binding human rights law, (im)migrant minorities have so far not had any linguistic rights in education to use and maintain their languages, though none of the international covenants overtly **prohibits** the use of any minority languages. The five basic UN conventions have **general** provisions, for instance in their preambles, which relate to the exercise of all human rights, and language is in most cases specifically mentioned, at the same level as gender, race, religion, etc., as one of the characteristics on the basis of which individuals cannot be discriminated. This is in contrast with the **education** clauses of the covenants. In many cases language is **not even mentioned** under the **education clauses** of those covenants which are binding. Often all the other characteristics (gender, religion, nationality, social origins, etc) are still there, but language has in a mystical way disappeared. Even in those cases where language is mentioned, the rights can be described as no stronger than **half-covert assimilation-oriented toleration** of minority languages. Minorities are allowed to use their languages in private, but not in state-financed schools.

The same is also true in many regional covenants. Despite many many nice phrases about linguistic rights in **non-binding** declarations and resolutions, in international or European covenants which **are legally binding**, and where there is a complaint procedure, there were until the 1990s almost no linguistic rights. The general policy on educational linguistic human rights seems to be a posture policy, without much content.

There are several recent instruments: the **UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities**, adopted by the General Assembly in December 1992); The **UN Convention on Migrant Workers and Their Families**; **Council of Europe's European Charter for Regional or Minority Languages** (22 June 1992) and the **Framework Convention for the Protection of National Minorities** (adopted by the Committee of Ministers on 10 November 1994). Many of these go somewhat further than the important Article 27 (see below), for instance by replacing "shall not be denied" by "have the right" and by adding that these rights apply "in private and in public, freely and without any form of discrimination". Many of the articles use the formulation "shall" and have few let-out modifications or alternatives - except where linguistic rights in education are concerned. Here, the alternatives permit a reluctant state to provide minimalist protection. A couple of examples (Art. 4.3 from the UN Declaration and Art. 14.2 from the Framework Convention) will suffice:

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. (Article 4.3; my emphases)

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. (Article 14.2; my emphases).

Clearly such a formulation raises many questions. What constitute "appropriate measures", "adequate opportunities" or "sufficient demand", and who is to decide what is "possible" or "adequate"? Does "instruction in" the mother tongue mean "through the medium of the mother tongue" or does it only mean instruction in the mother tongue as a subject? Besides, the Declaration is not binding on the States, and neither the European Charter nor the Framework Convention have been ratified by enough states to enter into force. The languages of immigrant minorities are explicitly or implicitly excluded from most of the recent instruments.

It means that Article 27 of the **UN Covenant on Civil and Political Rights** (CCPR, 1966, in force since 1976) still grants the best **binding** minority language protection so far:

"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."

This article has been the most important Article in international law so far for the protection of linguistic minorities, as both Capotorti (1979, the UN Special Rapporteur on minorities) and more recent UN reports confirm. Both the **UN Conventions on the Rights of the Child** (1959 and 1989), and several Council of Europe and OSCE documents have used approximately the same formulation. In the customary reading of Article 27, rights were only granted to individuals, not collectivities. And "persons belonging to ... minorities" only had these rights in states which accept that the minorities exist. This has not helped immigrant minorities in any countries because they have not been seen as minorities in the legal sense by the states.^{vi} So far, the Article has been interpreted as

- excluding (im)migrants (who have not been seen as minorities);
- excluding groups (even if they are citizens) which are not recognised as minorities by the State (in the same way as the European Charter does);
- only conferring some protection from discrimination (= "negative rights") but not a positive right to maintain or even use one's language.
- not imposing any obligations on the States.

Recently (6 April 1994) the UN Human Rights Committee adopted a General Comment on Article 27 which interprets it in a substantially more positive way than earlier. The Committee sees the Article as

- protecting all individuals on the State's territory or under its jurisdiction (i.e. also immigrants and refugees), irrespective of whether they belong to the minorities specified in the Article or not;
- stating that the existence of a minority does not depend on a decision by the State but requires to be established by objective criteria;
- recognizing the existence of a "right";
- imposing positive obligations on the States.

What are the possible implications of the General Comment on the educational linguistic human rights of (im)migrant minorities? The answer is that we do not know yet. Neither does the Human Rights Committee (Eide 1995b). It remains to be seen to what extent this General Comment will influence the State parties. If the Committee's interpretation ("soft law") becomes the general norm, and if the Western European countries where migrant and refugee minorities live start observing this norm, the educational linguistic rights might improve.

We have to remember, though, that many countries are, actively or passively, trying to prevent the acceptance of linguistic human rights. For instance Greece and Turkey, have not signed the CCPR. Of the almost 120 States which **have** ratified CCPR, the United States and Haiti are the only ones who have **failed** to ratify the UN Covenant on Economic, Social and Cultural Rights (Eide 1995a, 23), which contains **some** linguistic and educational rights. Germany and Britain have not ratified its Optional Protocol which gives access to the complaint procedure. At the OSCE Copenhagen meeting on the Human Dimension in June 1990, France, Greece and Turkey did not go along with some far-reaching formulations for the benefit of minorities. When the European Charter was accepted (June 1992), France, Turkey and United Kingdom abstained, Greece voted against (**Contact Bulletin** 9:2, 1992, 1), and until now only 3 states have ratified it. Thus the United States, Britain, France, Greece and Turkey have often prevented or tried to prevent the granting of linguistic human rights. This has not prevented Britain, France and the United States from presenting themselves as protectors of human rights and minorities, and criticizing other countries for **their** treatment of minorities. There is not much reason for optimism.

AND STILL...

How important is it, then, for minorities, immigrated or otherwise, to have an unconditional right to mother tongue medium education?

When everybody goes to school, **everything** else, even permission to use the languages, will lead to the virtual extinction of these languages within 2 to 4 generations from when the obligatory education was enforced. All attempts so far to get overt promotion-oriented educational linguistic human rights accepted in **international law** have failed^{vii}. This is because linguistic genocide is a logical expression of the belief in the myth of a monolingual nation state and no states want voluntarily to grant rights which they believe would lead to their own disintegration.

An alternative to linguistic genocide is the granting of linguistic human rights. Granting linguistic rights to minorities **reduces** conflict potential, instead of creating it. I see **lack** of linguistic rights as one of the causal factors in certain conflicts, and linguistic affiliation as a rightful mobilizing factor in conflicts with multiple causes where power and resources are unevenly distributed along linguistic and ethnic lines. I see language-related issues as potential causes of conflict **only** in situations where groups **lack** linguistic rights **and/or** political/economic rights, and when at the same time the unequal distribution of political and/or economic power follows linguistic and ethnic lines. Denial of linguistic human rights is an efficient way of promoting conflict which **can** then take ethnically and linguistically defined or articulated **forms**.

When the Cold War has ended and, with it, the "politics of East/West boundary drawing, an argument essentially about economic systems", Mary Kalantzis

argues that "into the space have stepped arguments that are still about access to social resources, but arguments that are now expressed through a discourse of culture, identity and nation. This is the news, not only from Rwanda, Bosnia and Sri Lanka, but from the urban distress of the United States, France and Britain." (1995, 1). We could add Tibet and Kurdistan to the list too. In this new discourse of culture, identity and nation, negotiations about not only the tolerance of but indeed the preservation, promotion and development of linguistic and cultural diversity are vital for world peace.

Linguistic and cultural identity are at the core of the cultures of most ethnic groups (Smolicz 1979). Threats towards these identities can have a very strong potential to mobilize groups. Still, in **human rights** contexts, **cultural** concerns, including linguistic concerns, have continued to be neglected, as opposed to economic and social concerns, and, especially, civil and political concerns. But there are strong reasons why states should in fact **support** linguistic and cultural diversity and linguistic rights, for **egoistic** reasons (in the interest of their own elites), not only for human rights reasons. Absence of **economic and social rights** between the two "World" Wars, "the widespread unemployment and poverty", is seen by Asbjørn Eide from the UN Human Rights Commission as having led to "the political upheavals and the emergence of totalitarian regimes" (Eide 1995a, 29-30). This realization led, according to Eide, to a genuine interest in **securing** economic and social rights, not only for their own sake but also for the preservation of individual freedom and democracy. Eide claims that economic and social concerns are "equally important in the **present** time, in light of escalating unemployment, increasing poverty and growing disparities in income, not only in the Third World but also in Central and Eastern Europe and in the West". Economic and social concerns have therefore, predictably, received a lot of international attention, most recently at the Copenhagen Social Summit (March 1995).

On the other hand, Eide claims that **cultural rights** have, both in human rights theory and in practice, **lacked** importance and received **little** attention. Still, today "ethnic conflict" and "ethnic tension" are seen as the **most important possible reasons for unrest, conflict and violence** in the world.

Just as **absence** of economic and social rights in the period **between** the world wars **promoted** the emergence of totalitarian regimes, **absence or denial of linguistic and cultural rights** can **today** be regarded as an effective way of promoting "ethnic" conflict and violence. **Granting** linguistic and cultural human rights is a step towards **avoiding** "ethnic" conflict (e.g. Hettne 1987, Stavenhagen 1990), avoiding disintegration of (some) states and avoiding anarchy, where the rights of even the elites will be severely curtailed because of the increasingly civil war-like conditions, especially in inner cities. But this promotion of civic pluralism (instead of the monolingualism/monoculturalism-oriented nation-state reductionism) requires a pluralistic state, as Mary Kalantzis formulates it:

Civic Pluralism means that all people have access to political power, economic resources, social services, and, most importantly, cultural symbols regardless of their cultural affiliations and styles. This cultural symbols point is in some important respects the key to the others. The State can no longer have an 'ethnic' identity as it did in the era of traditional nationalism. Under Civic Pluralism, the nation's cultural symbols are open and inclusive. One shouldn't any longer have to take on the cultural and linguistic demeanour of the so called 'mainstream' in

order to enjoy access to political power, economic resources, social services and the symbols of nation. Far from fostering tribalism or fragmentation, Civic Pluralism is their only antidote. It is a means to create a postnationalist sense of common purpose." (1995, 2; my emphasis).

However the ideology of the isomorphism of one state, one nation, one language that has dominated Europe in the past two centuries is still prevalent, and has meant that it is only in a few states that multilingualism has been actively encouraged and even then only for national ethnic minorities, not migrant minorities. Some states (like Britain in the example below) have even discouraged the maintenance of multiculturalism:

A national system of education must aim at producing citizens who can take their place in society properly equipped to exercise rights and perform duties which are the same as other citizens. If their parents were brought up in another culture or tradition, children should be encouraged to respect it, but a national system cannot be expected to perpetuate the different values of immigrant groups (Commonwealth Immigrants Advisory Council 1964, 7).

This "European" policy of the state having an "ethnic" and linguistic identity and repressing or barely tolerating the cultural and linguistic identities of others, especially migrant minorities, i.e. denying to others basic linguistic and cultural human rights, is a peculiarly European dilemma (and here the Neo-Europes^{viii} have followed suit^x). Educational tokenisms (migrant minorities may, for instance, be allowed to study their mother tongue as a subject, sometimes as a foreign language, together with those for whom it is a foreign language) are part of the exclusionary processes. The risks of such a policy are stressed by Jurek Smolicz (1986, 96):

... attempts to artificially suppress minority languages through policies of assimilation, devaluation, reduction to a state of illiteracy, expulsion or genocide are not only degrading of human dignity and morally unacceptable, but they are also an invitation to separatism and an incitement to fragmentation into mini-states.

The nation-state is currently under pressure from globalization, transnational regionalization and local decentralization (democratic, root-seeking, environment-saving), and has probably outlived itself. States are by many researchers no longer seen as permanent constructions but negotiable. Linguicide as a strategy for preventing the disintegration of present day states should also become outmoded. Linguistic diversity at local levels is a necessary counterweight to the hegemony of a few "international" languages. "Preservation of the linguistic and cultural heritage of humankind" (one of Unesco's declared goals) presupposes preventing linguicide. This has been seen by some researchers and politicians as a nostalgic primordialist dream (creating employment for the world's linguists). The perpetuation of linguistic diversity can, however, be seen as a recognition that all individuals and groups have basic linguistic human rights, and as a necessity for the survival of the planet, in a similar way to biodiversity. Lack of rights is what leads to disintegration. When global control to an increasing degree happens via language, instead of more brutal means (despite some of the signs of the opposite today),

linguodiversity is a necessary prerequisite for democracy and informed participation. It is not only biodiversity which is a necessity for the planet.

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i See e.g. Human Rights in Kurdistan 1989, 1990, Helsinki Watch Update 1990, Besikci 1989, (Ali) Bucak 1989, Paech 1994. In April 1991 and again in October 1995, several changes were made to the Turkish laws. The Turkish government has attempted to persuade world opinion that the oppression of the Kurdish language has ended, but this is not true at all. Most paragraphs forbidding Kurdish in the Turkish constitution (1982) and in the law to combat terrorism are still valid (see Skutnabb-Kangas & Bucak 1994 and Hassanpour et al. (1996) for details and references.

ii See e.g. Beykont 1994, Churchill 1985, Cummins 1992, Cummins & Swain 1986, Hakuta 1986, Hernández-Chávez 1994, Leontiev 1995, Padilla & Benavides 1992. Still, it would be perfectly possible to organise education so that all children became high-level multilinguals (see, e.g. the articles in

Skutnabb-Kangas (ed.) 1995).

iii The same is to some extent true of Africa. As Birgit Brock-Utne observes, "[I]n many of the African countries the majority language is treated in a way that minority languages are treated in the industrialized world" (1993, 39). See e.g. Akinnaso 1993, forthcoming, Rubagumya (Ed.) 1990, for some examples.

iv The UN Draft Universal Declaration on Rights of Indigenous Peoples formulates language rights strongly and explicitly and with the state required to allocate resources. But the fate of the Draft is still unsure - the latest version was completed 25-29 July 1994 and forwarded to the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, which in its turn has submitted it to the UN Commission on Human Rights for discussion in February 1995. Major changes can still be expected (Morris 1995) and there is some suspicion that indigenous peoples themselves may be left without adequate influence on them (Daes 1995).

v This is how Joan Wink from California sees it: "Students enter our schools speaking languages from all over the world; 12 years later, they leave school speaking only English. Then, we immediately want them to go to college and study **foreign** languages" (Wink, 1996). She could, of course, add "those who are not pushed out earlier" because linguistic minority students are underrepresented among those who finish 12 years.

vi Finns in Sweden have tried and the Swedish response has so far been negative - see Skutnabb-Kangas 1996. In October 1995 the Prime Minister accepted to at least **receive** the Sweden Finnish minority declaration - after more than 3 years...

vii There are, of course, some national minorities who do have these overt promotion-oriented rights in education (e.g. French speakers in Quebec, Canada, Swedish speakers in Finland, just to name two of the most prominent examples).

viii Neo-Europes or Europeanised countries are those colonised by Europeans, e.g. Australia, Canada, New Zealand and the United States. For several criteria and definitions of Neo-Europes, see Crosby 1994, 2-7, 148-149, Skutnabb-Kangas & Phillipson 1996.

ix In terms of the strategies used, the English-only - or dominant-English - dilemma (Ammon 1994, Fishman 1994, Lo Bianco 1995, Phillipson 1992, to take very different examples) is of course closely related to the dilemmas that (immigrant) minorities face - see Skutnabb-Kangas 1995.