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Linguistic human rights in education for language maintenance
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They sound like ... the clucking of hens or the clucking of turkeys.

When they speak they fart with their tongues in their mouths.

They seem to resound always with the very nature, the poetic character of the lands where they were used. The cadences of the wild, of water and earth, rock and grass, roll onomatopoeically along the tongue. Khoikhoi words ... crack and softly rustle, and click. The sand and dry heat and empty distance of the semi-arid lands where the Khoikhoi originated are embedded in them. But so is softness, greenness. They run together like the very passage of their olden days.

1. Introductionⁱ

The three descriptions above of the Khoekhoe languages of South Africa and Namibia (Khoekhoe are click languages), all by outsidersⁱⁱ, reflect a possible change in attitudes, which might, in the best case, have some positive consequences for the maintenance of Khoekhoe languages, already thought to be dead in South Africa. The Khoekhoe have been called Hottentots by outsiders, and 'to this day the Shorter Oxford English Dictionary notes that the word Hottentot is used to describe "a person of inferior intellect and culture" ' (Koch & Maslamoney 1997, 28). It is easier to rob the lands and kill the languages of peoples if they are constructed as 'inferior'. This is exactly what has happened and is still happening in the world, only now with more sophisticated methods than centuries ago. One of the results is physical, linguistic and cultural genocide, and disappearance of diversities. Loss of biodiversity, erosion of traditional cultures, and subtractive learning of dominant languages, leading to loss of diversity of human languages are all happening at an accelerating pace (see Harmon 1995, Krauss 1992, 1995, Maffi et al., in press).

As numerous resolutions and action in recent decades show, indigenous peoples see their languages and cultural traditions - and the fight to protect or restore their linguistic rights - as essential elements in their struggle for survival and self-determination. Language and land are considered by most of them as equally constitutive of their identity. Likewise, the OSCE High Commissioner on National Minorities, Max van der Stoep (see below) says that the minorities he has encountered in his work (which is diplomatic 'conflict prevention in situations of ethnic tension' - Rothenberger 1997, 3) have two main demands: self-determination and the right to education through the medium of their own language. Land rights are part of self-determination, but as the Stuurman quote below shows, they are only a part of the solution and an either-or approach is not enough. Land and language need to go together. Both need maintenance, development and - in many cases - revitalisation.

Says Hendrik Stuurman, a Khoikhoi Nama who came back to South Africa in the mid-1990s from Namibia where some of his people had gone after a forced removal from their ancestral lands during apartheid:

Now we have our land back. We are doing well with houses, schools and clinics. We thought that with our land we would be able to heal the culture that is the soul of our people. But we find instead that our language is dying. At least while we were in exile we were able to read and speak our language (Nama is recognised in Namibia). We now realise that, in the act of regaining our land, we may have destroyed our culture.

As for Stuurman himself, he already belongs to the generation where the intergenerational transmission was incomplete; his main language is Afrikaans. This is how he feels about it:

... a feeling deep inside me that something is wrong ... that I have drunk the milk of a strange woman, that I grew up

alongside another person. I feel like this because I do not speak my mother's language.

Centrality of language for Stuurman and others reflects the key role that language plays in all aspects of human life everywhere. Language is central to our conceptualization of the world, and for interpreting, understanding and changing it. Language supports us in organizing our world and frees our energy for other tasks. Words for concepts are like pegs on which we hang the meanings that we store in the storehouse of our mind. They are the framework that binds together the details into a totality, a meaningful whole. Verbalizing helps us remember and reproduce meaning and thus make sense of reality. Through the verbal socialisation process we also learn much of our own culture's ethics. Together with the words for objects and phenomena, we learn our culture's connotations, associations, emotions and value judgments. The definition and construction of our ecosocial world, including group identity, status, and world view, are both reflected in, reflect on and realized through language.

The particular social and ecological circumstances in which different human groups develop over time - the specific relationships each group establishes among its members and with other people around, as well as with the place in which they live - lead to different and historically changing ways of defining, understanding and interpreting the world via language. The diversity of languages (and cultures) around the world has arisen through these complex and dynamic processes.

In this article I shall concentrate on the linguistic human rights of both indigenous peoples and linguistic minorities. These rights, especially educational language rights, play a decisive role in maintaining and revitalizing languages and in supporting linguistic and cultural diversity and, through them, also biological diversity on earth.

Linguicism and ethnicism: division of power based on language and culture

The fate of languages is of utmost and growing importance. The struggle over the power and resources of the world is conducted increasingly through ideological means, and ideas are mainly mediated through language. This also partially explains the spread of numerically large languages (English, Spanish, Russian, Mandarin Chinese, etc.) at the cost of the smaller ones. The ideas of the power-holders cannot be spread, nationally or internationally, unless those with less power understand the power-holders' language (e.g. "international English" worldwide, or standard Italian in Italy). Mass media and formal education are used for this language learning, which is mostly organised subtractively (the "major" language is learned at the cost of one's own language, not in addition to it). Mass media, education and religions also form an important part of the consciousness industry through which the content of the hegemonic ideas of power-holders are spread.

Language and culture are in the process of replacing "race" as bases for discrimination. Access to material resources and structural power is increasingly determined not on the basis of skin colour, or "race" (as biologically argued racism has it), but on the basis of ethnicity and language(s) (mother tongue and competence, or lack thereof, in official and/or "international" languages). Linguistically argued racism, *linguicism*, and culturally argued racism, *ethnicism* or *culturism*, can be defined 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 language (linguicism) and culture or ethnicity (ethnicism/culturism)" (Skutnabb-Kangas 1988: 13).

Linguistic genocide reflects the monolingual reductionism of 'nation-states'

Given the growing importance of language worldwide, state resistance to smaller languages is to be expected. Cobarrubias (1983) provides the following taxonomy of possible state policies vis-à-vis indigenous or minority languages: (1) attempting to kill a language; (2) letting a language die; (3) unsupported coexistence; (4) partial support of specific language functions; (5) adoption as an official language. The division of power and resources in the world partially follows linguistic lines along which more accrues to speakers of "big" languages, because they can use their languages for most official purposes (case 5 or at least 4 above). Speakers of smaller languages are often forced to learn the big languages subtractively (at the expense of their own languages) rather than additively (in addition to their own languages), because the latter are not used for official purposes, including education; i.e. the state has adopted one or other of policies 1-3 above.

In understanding reduction versus maintenance of linguistic diversity, it is useful to compare the concept of *linguicide* (linguistic genocide) with that of *language death*. The notion of "language death" does not necessarily imply a causal agent but is seen as a natural, inevitable result of social change and 'modernization', leading towards

the development of a unified world with a world language, possibly coexisting with national languages with a reduced role. Within this paradigm, language death is interpreted as the result of voluntary language shift by each speaker.

Linguicide, by contrast, implies *agency involved in causing the death of languages*. The agents can be *active* ("attempting to kill a language") or *passive* ("letting a language die" or "unsupported coexistence"). The *causes* of linguicide and linguisticism must be analyzed from both structural and ideological angles, covering the struggle for structural power and material resources, on the one hand, and on the other the legitimation, instantiation and reproduction of the unequal division of power and resources between groups based on language. The *agents* of linguicide/linguicism can also be structural (a state, an institution, laws and regulations, budgets, etc.) or ideological (norms and values ascribed to different languages and their speakers). There is thus nothing "natural" in language death. Language death has causes, which can be identified and analysed.

In preparation for the 1948 United Nations International Convention for the Prevention and Punishment of the Crime of Genocide (E 793, 1948), linguistic and cultural genocide were discussed alongside physical genocide as serious crimes against humanity (Capotorti 1979). In the UN General Assembly, however, Article 3 covering linguistic and cultural genocide was voted down and is thus not part of the final Convention. What remains is a definition of linguistic genocide that was acceptable to most states then in the UN:

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. (Art. 3.1.)

Linguistic genocide in this form is practised throughout the world. The use of an indigenous or minority language can be prohibited overtly and directly, through laws, imprisonment, torture, killings and threats (as Turkey does in the case of Kurdish - e.g. Skutnabb-Kangas and Bucak 1994). It can also be prohibited covertly, more indirectly, via ideological and structural means, such as in educational systems. Every time there are indigenous or minority children in day-care centres and schools with no bilingual teachers authorized to use the languages of the children as the main teaching and child care media, this is tantamount to prohibiting the use of minority languages "in daily intercourse or in schools". This is the situation for most indigenous first nations as well as immigrant and refugee minority children.

Linguicism is a major factor in determining whether speakers of particular languages are allowed to enjoy their linguistic human rights. Lack of these rights, for instance the absence of these languages from school time-tables, makes indigenous and minority languages invisible. Alternatively, minority mother tongues are construed and presented as non-resources, as handicaps which are said to prevent indigenous or minority children from acquiring the majority language--the only valued linguistic resource--so that minority children should get rid of them in their own interest. At the same time, many minorities, especially minority children, are in fact prevented from fully acquiring majority resources, and especially majority languages, through disabling educational structures in which instruction is organised through the medium of the majority languages in ways that contradict most scientific evidence on how education for bilingual education should be structured (see Cummins 1996, 1998 and Skutnabb-Kangas 1984, 1990, forthcoming, for references).

The processes reducing the linguistic and cultural diversity of the world are symptomatic of an ideology of monolingual reductionism, which consists of several myths. The first four include the beliefs that monolingualism, at both individual and societal levels, is *normal*; that is *unavoidable* ("it is a pity but you cannot make people cling to little languages which are not useful; they want to shift"); that it is *sufficient* to know a "big" language, especially English ("everything important is in English, or, if it is important enough and has been written in another language, it will be translated into English"; "it is the same things that are being said in all languages so why bother?") and *desirable* ("you learn more if you can use all your energies on one language instead of needing to learn many"; "monolingual countries are richer and more developed"; "it is cheaper and more efficient to have just one language"). In fact all these myths can be easily refuted--they are rather fallacies (Skutnabb-Kangas 1996a, b). The fifth myth says that the granting of linguistic and cultural human rights inevitably leads to the disintegration of present states. At this level, monolingual reductionism can be characterized as an ideology used to rationalize linguistic genocide (especially in education) by states which "believe" the existence of (unassimilated) minorities to be a threat leading to a potential disintegration of what the states claim are nation-states. The principle of the territorial integrity and political sovereignty of contemporary states is often presented as being in conflict with another fundamental human rights principle, that of self-determination. Minorities that enjoy linguistic human rights are expected to demand first internal self-determination, e.g. cultural and other autonomy, and then independent status, i.e., external self-determination. By denying them linguistic rights and by bringing about homogenization through linguistic and cultural genocide in education and elsewhere, states 'hope' to eliminate the threat of groups

that may eventually demand self-determination. To deny minorities those human rights which are most central to their reproducing themselves as distinctive groups--namely, linguistic and cultural human rights, and especially educational language rights--while observing (or appearing to observe) several of the basic human rights for all its citizens, including minorities, is a covert way for a state to make languages disappear at the same time as it retains its legitimacy in the eyes of (most of) its citizens and the international community. Covert linguistic violence of this type appears to be extremely effective. It is often far more difficult to struggle against covert violence, against the colonization of the mind, where short-term "benefits" may obscure longer-term losses, than it is to fight physical violence and oppression.

Contra these myths, however, there are strong reasons why states should support, rather than try to eliminate, linguistic and cultural diversity and grant linguistic human rights. Some states might indeed disintegrate in the process, but this should be acceptable if the human right of self-determination is to be upheld (Clark and Williamson 1996). By and large, though, granting linguistic and cultural human rights to minorities reduces rather than creates the potential for "ethnic" conflict, prevents the disintegration of states, and may avoid anarchy in which even the rights of the elites will be severely curtailed by conditions that increasingly resemble civil war, especially in inner cities. Linguistic and cultural identity are at the core of the cultures of most ethnic groups (Smolicz 1979). When threatened, these identities can have a very strong potential to mobilize groups: "[...] 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." (Smolicz 1986: 96; emphasis added.) Thus, promoting diversity by granting linguistic human rights can actually promote a state's self-interest.

As Asbjørn Eide (1995: 29-30) of the UN Human Rights Commission points out, cultural rights have received little attention both in human rights theory and in practice, despite the fact that today "ethnic conflict" and "ethnic tension" are seen as the most important potential causes of unrest, conflict and violence in the world. Absence or denial of linguistic and cultural rights are today effective ways of promoting, not curbing, this "ethnic" conflict and violence. Linguicide is ineffective as a strategy for preventing the disintegration of present-day states. "Preservation of the linguistic and cultural heritage of humankind" (one of UNESCO's declared goals) presupposes preventing linguistic violence. Linguistic diversity at local levels is not only a necessary counterweight to the hegemony of a few "international" languages, but represents a recognition of the fact that all individuals and groups have basic linguistic human rights and is a necessity for the survival of the planet. The perpetuation of linguistic diversity is a necessary component of any discourse on and strategy for the maintenance of biological and cultural diversity on the planet.

Human rights instruments and language rights in education

In many international, regional and multilateral human rights instruments language is mentioned in the preamble and general clauses (e.g. United Nations Charter, Art. 13; Universal Declaration of Human Rights (1948), Art. 2; International Covenant on Civil and Political Rights (ICCPR; 1966, in force since 1972), Art. 2.1) as one of the characteristics on the basis of which discrimination is forbidden, together with "race, colour, sex, religion, political or other opinion, national or social origin, property, birth or other status" (ICCPR Art. 2.1). This suggests that language has been seen as one of the most important characteristics of humans in terms of human rights issues in the key documents that have pioneered the post-1945 UN effort. Yet, the most important linguistic human rights, especially in education, are still absent from human rights instruments. Language gets much poorer treatment in human rights law than other important human attributes, like gender, "race" or religion.

For the maintenance and development of linguistic and cultural diversity on our planet, educational language rights are not only vital but the most important linguistic human rights. Intergenerational transmission of languages is the most vital factor for their maintenance. If children do not get the opportunity to learn their parents' idiom fully and properly so that they become at least as proficient as the parents, the language cannot survive. As more and more children around the world get access to formal education, much of the language learning that earlier happened in the community must happen in schools. However, beyond the non-binding preambles, in the educational clauses of human rights instruments two phenomena can be observed. One is that language disappears completely, as for instance in the Universal Declaration of Human Rights, where the paragraph on education (26) does not refer to language at all. Similarly, the ICCPR, having mentioned language on a par with race, colour, sex, religion, etc. in Art. 2.2, refers to "racial, ethnic or religious groups" but omits reference to language or linguistic groups in its educational Article 13. Secondly, *if* language-related rights are specified, the Articles dealing with these rights are typically so weak as to be de facto meaningless. For example, in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (adopted in 1992), most of the Articles use the

obligating formulation "shall" and have few opt-out modifications or alternatives--except where linguistic rights in education are concerned:

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. (Emphases added.)

Similarly, in the European Charter for Regional or Minority Languages (1992), the formulations in the educational Articles 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). Writing binding formulations that are sensitive to local conditions presents unquestionably real problems. However, opt-outs and alternatives 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. A new Council of Europe Framework Convention for the Protection of National Minorities was adopted by the Committee of Ministers of the Council of Europe in 1994. Again the Article covering medium of education is much more heavily qualified than any other:

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. (Art. 14.2; emphases added.)

Thus the situation is not improving despite new instruments in which language rights are mentioned, and even treated in detail. Even where linguists have participated in drafting new or planned instruments, as in the case of the Draft Universal Declaration of Linguistic Rights, the results are far from perfect.

Draft Universal Declaration of Linguistic Rights

The **Draft Universal Declaration of Linguistic Rights**, handed over to UNESCO in June 1996, is the first attempt at formulating a universal document about language rights exclusively. It grants rights to three different entities: **individuals** (= 'everyone'), **language groups**, and **language communities**. No duty-holders are specified anywhere. **Communities** have more rights in the Declaration than the other two categories and the 'rights' granted to them sound like a dream - and probably that is what they will remain. They are at present completely unrealistic for any except, maybe, a few hundred of the world's language communities, most of them dominant linguistic majorities. In addition, even the educational language rights for language communities are formulated in such a way that the whole Declaration runs the risk of being seen as full of pious, unrealistic wishes which cannot be taken seriously. For most African, Asian and Latin American countries, the rights in the Declaration are at present practically, economically and even politically impossible to realise, as was clearly expressed at the first UNESCO meeting where the Declaration was discussed. It therefore seems extremely unlikely that it will be accepted in its present form.

For **groups**, collective rights to one's own language are not seen as inalienable.

For those **individuals** who speak a language other than the language of the territory, education in their own language is not a positive right.

In addition, the Declaration grants members of language communities extensive rights to any **foreign** language in the world, whereas the rights granted to 'everyone' include only the (negative - 'does **not** exclude') right to 'oral and written knowledge' of one's **own** language.

All language communities are entitled to an education which will enable their members to acquire a full command of their own language, including the different abilities relating to all the usual spheres of use, as well as **the most extensive possible command of any other language** they may wish to know (Art. 26 on rights of language communities).

1. Everyone is entitled to receive an education **in the language specific to the territory where s/he resides**.
2. This right does not exclude the right to acquire **oral and written knowledge of any language** which may be of use to him/her as an instrument of communication with other **language communities**. (Art. 29 on rights of 'everyone', emphases added).

The Declaration would force everybody who is not defined as a member of a language community to assimilate. This also makes the Declaration vulnerable in several respects, especially in relation to states which claim that they do not have minority language communities. In addition, even the language rights for language communities are formulated in such a way as to make them completely unrealistic for anybody except, maybe, a few hundred of the world's language communities, most of them dominant linguistic majorities. For most African, Asian and Latin American countries, the rights in the Declaration are at present practically, economically and even politically impossible to realise. It therefore seems extremely unlikely that the Declaration will be accepted in its present form. The **UN Draft Universal Declaration on Rights of Indigenous Peoples** formulates language rights strongly, especially in education. If these rights were to be granted in their present form, some 60 to 80 percent of the world's oral languages would have decent legal support. But according to the chair of the drafting Working Group, Erica Irene Daes (1995), there is little chance of the Declaration being accepted in the present form, and even if it were, implementation is, of course, a completely different matter.

The **Draft Universal Declaration of Linguistic Rights**, clearly less than ideal in its present form, represents the first attempt at formulating language rights at a universal level which has reached a stage that permits serious international discussion to start. From the point of view of maintaining the planet's linguistic diversity, the immediate fate of the **UN Draft Universal Declaration on Rights of Indigenous Peoples** is probably more important, though, because it has at least some chance of being accepted, signed and ratified, even if in a form which reduces the rights granted in the present Draft.

Starting points for positive developments

Some recent instruments could be a starting point for more positive developments. One is the reinterpretation of UN International Covenant on Civil and Political Rights, Art. 27:

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.

In the customary reading of Art. 27, rights were only granted to individuals, not collectivities. And "persons belonging to ... minorities" only had these rights in states which accepted their existence. This has not helped immigrant minorities because they have not been seen as minorities in the legal sense by the states in which they live. More recently (6 April 1994), the UN Human Rights Committee adopted a General Comment on Article 27 which interprets it in a substantially broader and more positive way than earlier.

In customary reading, the Article was 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 (or as "indigenous"--a formulation that has been added to Art. 30 in the 1989 UN Convention on the Rights of the Child, which is otherwise identical to ICCPR Art. 27) by the State (in the same way as the European Charter does);
- conferring only some protection from discrimination ("negative rights") but not a positive right to maintain or even use one's language, and
- not imposing any obligations on the States.

The UN Human Rights 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" (rather than only a non-discrimination prescription), and
- imposing positive obligations on the States.

It remains to be seen to what extent this General Comment will influence the State parties in relation to linguistic human rights of speakers of smaller languages. It depends on the extent to which the Committee's interpretation ("soft law") will become the general norm observed by the countries where indigenous peoples, migrant and refugee minorities live.

The second positive development is the new educational guidelines issued by The Foundation on Inter-Ethnic Relations for the OSCE (Organisation for Security and Cooperation in Europe) High Commissioner on National Minorities, Max van der Stoep (The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note, October 1996). These guidelines were elaborated by a small group of experts on human rights and education (including one of the author of this article). They "attempt to clarify in relatively straight-forward language the content of minority education rights"; international human rights standards "have been interpreted in such a way as to ensure their coherence in application" (p. 3). In the section "The spirit of international instruments", bilingualism is set 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):

1) The right of persons belonging to national minorities to maintain their identity can only be fully realised if they acquire a proper knowledge of their mother tongue during the educational process. At the same time, persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language.

3) It should be borne in mind that the relevant international obligations and commitments constitute international minimum standards. It would be contrary to their spirit and intent to interpret these obligations and commitments in a restrictive manner.

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):

11) The first years of education are of pivotal importance in a child's development. Educational research suggests that the medium of teaching at pre-school and kindergarten levels should ideally be the child's language. Wherever possible, States should create conditions enabling parents to avail themselves of this option.

12) Research also indicates that in primary school the curriculum should ideally be taught in the minority language. The minority language should be taught as a subject on a regular basis. The State language should also be taught as a subject on a regular basis preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background. Towards the end of this period, a few practical or non-theoretical subjects should be taught through the medium of the State language. Wherever possible, States should create conditions enabling parents to avail themselves of this option.

13) In secondary school a substantial part of the curriculum should be taught through the medium of the minority language. The minority language should be taught as a subject on a regular basis. The State language should also be taught as a subject on a regular basis preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background. Throughout this period, the number of subjects taught in the State language, should gradually be increased. Research findings suggest that the more gradual the increase, the better for the child.

14) The maintenance of the primary and secondary levels of minority education depends a great deal on the availability of teachers trained in all disciplines in the mother tongue. Therefore, ensuing from the obligation to provide adequate opportunities for minority language education, States should provide adequate facilities for the appropriate training of teachers and should facilitate access to such training.

Finally, the Explanatory Note states that

[S]ubmersion-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).

This means that the children to whom the Recommendations apply might be granted some of the central educational linguistic human rights. The question now is to what extent the 55 OSCE countries will apply the Recommendations and how they will interpret their scope. The Recommendations could in principle apply to all minorities, even the "everyone" with very few rights in the Draft Universal Declaration on Linguistic Rights. And since indigenous peoples should have at least all the rights that minorities do, these Recommendations might provide them also with a tool, while the Universal Declaration on Rights of Indigenous Peoples is still under discussion.

Finally, I want to suggest what a Universal Convention of Linguistic Human Rights should guarantee at an individual level, especially in relation to the important educational language rights (see Skutnabb-Kangas 1998a) and for linguistic diversity to be maintained. In a civilized state, there should be no need to debate the right for indigenous peoples and minorities to exist, to decide about their own affairs (self-determination) and to reproduce themselves as distinct groups, with their own languages and cultures. This includes the right to ownership and guardianship of their own lands and material (natural and other) resources as a prerequisite for the maintenance of non-material resources. It is a self-evident, fundamental collective human right. There should be no need to debate the right to identify with, to maintain and to fully develop one's mother tongue(s) (the language(s) a person has learned first and/or identifies with). It is a self-evident, fundamental individual linguistic human right.

Necessary individual linguistic rights have to do with access to the mother tongue and an official language in a situation of stable bilingualism, and with language-related access to formal primary educationⁱⁱⁱ.

A Universal Convention of LHRs must also make states dutyholders, in a firm and detailed way, that is, it must provide enforceable rights. If these rights are not granted and implemented, it seems likely that the present pessimistic prognoses of some 90% of the world's oral languages not being around anymore around 2100, may actually turn out to have been optimistic. Languages that are not used as main media of instruction will cease to be passed on to children at the latest when we reach the fourth generation of groups in which everybody goes to school--and many languages may be killed much earlier. There is still much work to be done for education through the medium of the mother tongue to be recognized as a human right. Yet this is what is most urgently needed to ensure that indigenous and minority peoples will be able to maintain and develop their languages and perpetuate linguistic diversity on earth.

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- i This article draws heavily on Skutnabb-Kangas 1998a,b, in press and on my parts in Maffi, Skutnabb-Kangas & Andrianarivo, in press.
- ii The first two descriptions are by some of the first colonisers of the Khoekhoe areas, the third by historian Noel Mostert, all quoted in Koch & Maslamoney 1997, 28.
- iii A UNIVERSAL CONVENTION OF LINGUISTIC HUMAN RIGHTS SHOULD GUARANTEE AT AN INDIVIDUAL LEVEL, IN RELATION TO THE MOTHER TONGUE(S) that everybody can
- identify with their mother tongue(s) and have this identification accepted and respected by others,
 - learn the mother tongue(s) fully, orally (when physiologically possible) and in writing (which presupposes that minorities are educated through the medium of their mother tongue(s), within the state-financed educational system),
 - use the mother tongue in most official situations (including day-care, schools, courts, emergency situations of all kinds, health care, hospitals, and many governmental and other offices)

OTHER LANGUAGES

- that everybody whose mother tongue is not an official language in the country where s/he is resident, can become bilingual (or trilingual, if s/he has 2 mother tongues) in the mother tongue(s) and (one of) the official language(s) (according to her own choice).

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- that suitably trained bilingual teachers are available.
 - that parents know enough about research results when they make their educational choices (e.g. minority parents must know that good mother-tongue medium teaching leads to better proficiency both in the mother tongue and in the dominant language, than dominant-language medium submersion teaching).

THE RELATIONSHIP BETWEEN LANGUAGES

- that any change of mother tongue is not imposed, but voluntary (i.e., it includes knowledge of alternatives and of long-term consequences of choices).

PROFIT FROM EDUCATION

- that everybody can profit from education, regardless of what her mother tongue is ("profit" being defined in terms of educational equal outcome, not just of equal opportunity).