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## **Western hypocrisy in the discourse on linguistic human rights in education**

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### **ABSTRACT**

Languages are today being killed at a faster pace than ever before in human history, and linguistic diversity is disappearing relatively faster than biodiversity. There is at least a correlational and possibly also a causal relationship between linguistic and cultural diversity on the one hand and biodiversity on the other hand. The fate of languages is thus vital for the future of the planet (Maffi et al., in press).

Legally binding linguistic human rights, especially in education, might be one of the necessary (but not sufficient) ways of counteracting language murder.

In the biodiversity discourse there is a lot of Western hypocrisy, as representatives for other parts of the world have pointed out. When Western countries discuss language rights in their own and in other countries, there has also been a strong element of hypocrisy which is similar to the one

in the biodiversity discourse. The linguistic human rights discourse is often linguisticist<sup>i</sup> and neocolonial. Some examples of this discourse will be presented, illustrating the following claims (where "Western countries" is short for "Some Western countries sometimes or often ..."):

A. Western countries create a myth that human rights are respected in the West and that the West therefore has the right to function as some sort of a human rights police force in other parts of the world in the name of democracy.

B. Western countries prevent or try to prevent the acceptance of legally binding international conventions and charters on linguistic human rights when other countries propose them; alternatively, charters are formulated so as to exclude non-Europeans from the enjoyment of these rights in the West.

C. Western countries exclude linguistically argued racism and/or discrimination on the basis of language from the definition(s) of racism(s) and from many human rights documents, especially the articles on education.

D. Western countries demand from other countries that they grant minorities rights, especially linguistic human rights, which Western countries do not grant to minorities in their own countries.

E. Western countries use different standards in their own countries and in other countries when defining groups that linguistic rights should be granted to.

The examples and parts of the human rights discourse will be related specifically to linguistic human rights in education. The present lack of binding linguistic human rights in education enables, or leads to, linguistic genocide and thus to diminishing linguistic and cultural diversity (including MacDonaldisation<sup>ii</sup>). The "free" market accelerates this development. Some consequences will be outlined.

\*\*\*\*\*

I shall start with a poem, written by the Somali educationist and poet Hassan Keynan in 1995. Even if it is about 'development cooperation' - the concept which has succeeded 'development aid' - it fits just as well the relationship between state elites on the one hand and most indigenous peoples and national, immigrant and refugee minorities on the other hand. It talks about the same hypocrisy that is the theme for my paper.

### **A Beautiful Tyranny Misnamed Partnership**

The relationship  
To which we are wedded  
Is a beautiful tyranny  
Misnamed partnership.

Our partnership  
Is a partnership of unequal partners  
Of unequal powers and unequal opportunities  
A partnership honeycombed  
With labyrinths of gentle deception, division and exclusion.

On our partnership  
One party represents  
An imperial order of unprecedented sway and intrigue  
Into whose hegemonic bosom

the other is conveniently entombed.

In our partnership  
One party is the source, centre and symbol  
Of all knowledge, civilization and salvation  
The Other a mere consumer of high culture and quips.

We are stakeholders in a bizarre covenant  
That folds enslavement  
In intoxicating benevolence and grace  
Our partnership is afflicted with saintly inhumanity.

In the cold mathematics of our partnership  
Our partnership is our destiny.  
Amen.

Hassan Keynan, 1995

(quoted in Brock-Utne 1998, 12; 'quips' = quick impact projects; Hassan Keynan is a Somali educationist and poet).

## 1. Introduction

We need to start thinking of our environment as consisting of at least the following three parts, in addition to the **spiritual** environment: our **biological** environment, our **linguistic** environment and our **cultural** environment. The present diversity in all three areas is very seriously threatened by globalisation and by what is falsely called the 'free' market.

Everybody here knows about the threat to biodiversity.

If I were to ask how many of you can mention at least one international organisation working to maintain biodiversity, or how many can mention at least one big international meeting concerned with biodiversity, I am sure that almost everybody could do it. But if I were to ask: how many can mention at least one international organisation working to maintain linguistic diversity, and at least one big international meeting concerned with linguistic diversity, I suspect that not many hands would be up.

But today linguistic and cultural diversity are disappearing relatively **much much faster** than biological diversity. And languages are today being killed at a much faster pace than ever before in human history.

Still, linguistic and cultural diversity are as necessary for the existence of our planet as biodiversity, and the three are correlated (Maffi, Skutnabb-Kangas & Andrianarivo, 1998). There may even be a causal link between them - a coevolution of all three kinds of diversity.

The paper starts with a short exposé about the present health situation of the world's languages and the prospects for them during the next few generations. The conclusion is that the future looks dim - if things continue, we may kill over 90 percent of the world's oral languages in the next hundred years.

Some of the direct main agents for this linguistic (and cultural) genocide are parts of what we call the **consciousness industry: formal education** and the **mass media** (including television, 'cultural nerve gas' as Michael Krauss (1992: 6) has called it.

One necessary tool in the remedies is linguistic human rights (LHRs). Linguistic human rights are a necessary (but not sufficient) prerequisite for the maintenance of linguistic diversity. Violations of linguistic human rights, especially in education, may lead to reduction of linguistic and cultural diversity on our planet. Globalisation of formal education and mass media is a killing agent.

Linguistic human rights in education, will then be described, with a quick run-through of what happens to educational language rights in international human rights law, regionally and globally. To the extent there is time, I shall then have a critical look at the formulations in some of the instruments. My assessment is that the present linguistic human rights in education, are completely insufficient to protect and maintain linguistic diversity on our globe, even if there are a few recent positive developments.

The catastrophe is that the so called 'free' market destroys our biological environment and our linguistic and cultural environment at an accelerating pace. If there is any time left, I shall discuss one aspect of this, the relationship between the 'free market' and human rights, but I'll give you a short summary already in the introduction. Human rights are supposed to be a corrective to the 'free' market. They are supposed to overrule the law of supply and demand and remove price-tags from people and from necessities for their survival. But they are powerless unless two unlikely changes happen. Firstly, a radical redistribution of the world's material resources is a prerequisite for **implementation** of human rights. Secondly, for this to happen, civil society needs to take back the control of economy which has been given away to the transnational companies and the financial giants in the globalisation process.

The losers, if this does not happen, are not only the 80 percent of the world's population at present consuming only 20 percent of the resources. The losers are humanity and the planet. I will quote Edward Goldsmith (1996, 91), and want to remind you that 'environment' means biological, linguistic and cultural environment. In his words (1996, 91),

'there is no evidence that trade or economic development are of any great value to humanity ... The environment, on the other hand, is our greatest wealth, and to kill it, as the TNCs [transnational companies] are methodically doing, is an act of unparalleled criminality.' The only hope today seems to be that the TNC leaders might realise that it is not in the interest of their grandchildren either because 'there can be no trade and no economic development on a dead planet' (ibid., 91).

In the age of industrialisation and modernism, those who had material and financial resources, capital, did well. In the age of information, those who are depositories for the knowledge capital needed for creating, storing and exchanging information, those with linguistic and cultural capital, will do well. The more linguistic and cultural diversity, the more knowledge capital. If the elites, in the name of supposed efficiency, homogenise the world, they are also killing this mental capital. Unless we, instead of globalising financial capital, start truly globalising language rights, including a right to a diverse environment, there is no future.

Learning dominant big languages **additively**, including English for everyone, is OK.

**Subtractive** dominant language learning (where for instance English is learned **at the cost** of the mother tongues, not in addition to them) kills other languages.

## **2. The world's languages: number of languages and number of speakers**

### 2.1. The number of languages

If we want to preserve the world's linguistic diversity, we have to know what to preserve. The first questions then are: What are the languages of the world, how many of them are there and where are they?

The short defensive answer is that we do not really know exactly. The number of 'languages' in the world is not known - and cannot be known. Partly this is because we don't even properly know what 'a language' is. Why? There are some good reasons and some bad ones. The main reason is that the difference between a language and dialects/sociolects is political and arbitrary - it is neither similarity or dissimilarity of structure nor mutual intelligibility or lack of it. Political definitions of a language would be:

A language is a dialect with an army (and a navy)

or

A language is a dialect with state borders

or

A language is a dialect promoted by the elites.

Having said that, we can claim that there probably are something between 6.500 and 10.000 spoken (oral) languages in the world, and a number of **sign languages** which can be equally large. I will leave sign languages outside this paper, partly because the type of data I present is lacking about them<sup>iii</sup>. Even if many different statistics on the number of languages have been presented<sup>iv</sup>, they change all the time, and the principles behind each set of statistics can be discussed and questioned on many counts, I will in the following use the **Ethnologue** estimate or some 6.700 oral languages<sup>v</sup>. Table 1 shows that of the **Ethnologue** estimate of over 6.700 languages, Europe and the Middle East together have only 4% (275 according to Krauss 1992, 5) and all the Americas (North, South and Central) together around 15%, 900 (Krauss 1992: 5) or close to 1.000 (Gunnemark 1991: 102: US and Canada at least 200 Indian and Eskimo languages, Latin America at least 700 Indian languages; the total may be up to 1.000-1.100). The rest, 81% of the world's oral language, are in Africa (over 1.400 according to Gunnemark 1991: 102 - at least 1.200, perhaps 1.500 or even more; 1,900 according to Krauss 1992: 5)), Asia (excluding ex-USSR about 1.600, Gunnemark 1991: 102) and the Pacific (about 1.200, *ibid.*; Asia and the Pacific together 3,000 according to Krauss 1992: 5; more in recent estimates, e.g. in the 13th edition of the **Ethnologue**) (Table 1).

**Table 1**  
**Distribution of the world's languages**

Area	Percentage of the world's languages	Approximate number of languages	Source	Comment
Europe & Middle East	4%	275	Krauss 1992	<b>Europe</b> excl. USSR: over 40; <b>USSR</b> over 100, Gunnemark 1991
Americas (North, Central, South)	15%	900 or over	Krauss 1992; Gunnemark 1991	
Africa, Asia & the Pacific	81%	4,900 4,200	Krauss; Gunnemark	<b>Africa</b> (over 1.400, Gunnemark 1991: 102 (at least 1.200, perhaps

			1.500 or even more); 1,900, Krauss 1992: 5); <b>Asia</b> (excluding ex-USSR) about 1.600, Gunnemark 1991: 102) and <b>the Pacific</b> (about 1.200, <i>ibid.</i> ); <b>Asia and the Pacific</b> together 3,000, Krauss 1992: 5; more in recent estimates, e.g. in the 13th edition of the <b>Ethnologue</b>
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(The table is based on counts of oral languages only but a count based on sign languages would probably give a similar distribution).

Table 2 shows that there are nine countries in the world with more than 200 languages each. They account for more than half the world's languages. These are the two megadiversity countries, Papua New Guinea and Indonesia (850 and 670 respectively, according to Krauss' 1992 figures) and seven others. Another 13 countries have more than 100 languages each; they are presented in roughly descending order in Table 2. These top 22 countries, just over 10 percent of the world's countries, probably account for some 75 percent (over 5.000) of the world's oral languages.

**Table 2**  
**The countries with most languages in the world**

<b>OVER 500 LANGUAGES</b>	<b>OVER 200 LANGUAGES</b>	<b>OVER 100 LANGUAGES</b>
1.Papua New Guinea850 2.Indonesia670  <b>Total1.520</b>	1.Nigeria410 2.India380 3.Cameroon270 4.Australia250 5.Mexico240 6.Zaire210 7.Brazil210  <b>Total1.970</b> <b>TOTAL for 93.490</b>	1.Phillippines 2.Russia 3.USA 4.Malaysia 5.China 6.Sudan 7.Tanzania 8.Ethiopia 9.Chad 10.Vanuatu 11.Central African Republic 12.Myanmar (Burma) 13.Nepal

Based on figures given in Krauss 1992: 6.

Table 3 presents some of the differences between different authors. Krauss has been used as the first source for ordering and the list contains those 22 countries which according to Krauss have more than 100 languages. Krauss, Gunnemark and Robinson present the total number of languages whereas David Harmon's figures (1995a: 14) consist of **endemic** languages only.

**Table 3**  
**Variations in estimates of number of languages in the most diverse countries** (first 3 columns: all languages; Harmon: endemic languages only)

KraussGunnemark

RobinsonHarmon

- 1.Papua New Guinea8501. about 7508671. 847
- 2.Indonesia 6704. over 3007012. 655
- 3.Nigeria4102. about 4004273. 376
- 4.India3803. about 3504054. 309
- 5.Cameroon2705. over 2002757. 201
- 6.Australia2509. about 150xxx5. 261
- 7.Mexico240- \*\*xxx6. 230
- 8.Zaire2106. nearly 2002199. 158
- 9.Brazil2107. over 150xxx8. 185
- 10.Phillippines\*\*\*11.over 10016810. 153
- 11.USSR\*\*\*14.over 100xxx20. 71#
- 12.USA\*\*\*8. over 150xxx11. 143
- 13.Malaysia\*\*\*10.about 12014115. 92
- 14.China\*\*\*- \*\*xx17. 77
- 15.Sudan\*\*\*12.over 100xx14. 97
- 16.Tanzania\*\*\*13.over 10013113. 101
- 17.Ethiopia\*\*\*- \*\*11216. 90
- 18.Chad\*\*\*- \*\*12619. 74
- 19.Vanuatu\*\*\*\*15.over 10011112. 105
- 20.Centr. Afr. Rep.\*\*\*- \*\*xx- ##
- 21.Myanmar (Burma)\*\*\*16.about 100xx- ##
- 22.Nepal\*\*\*- \*\*xx22. 68

\*earlier New Hebrides; \*\* not on the list of 16 countries with over 100 languages; \*\*\* numbers not mentioned; # Russia, not USSR; ## not on the list of the top 25 most diverse countries.

Sources: Krauss 1992 (order based on his ranking); Gunnemark 1991; Robinson 1993 (as quoted in Kaplan & Baldauf 1997, 237); Harmon 1995a. In addition to these, Harmon's list of 25 countries (1995a: 14) contains the following (the ranking number precedes the country name): 18. Peru (75), 21. Solomon Islands (69), 23. Colombia (55), 24. Côte d'Ivoire (51) and 25. Canada (47).

## 2.2. The number of speakers of each language

From the number of languages in various countries we move to number of speakers of each language. Even here the figures can be discussed from several angles, starting from the question of what a language is (see, e.g. Mühlhäusler 1996) and how it can be defined. Is it advisable to bunch together all the Chinese languages, including Mandarin and Cantonese? Treating Hindi/Urdu as one complex, based on linguistic structure, could be used politically to legitimate war. The numbers are extremely unsure anyway. It shows something about the finance behind various research disciplines that we count in nanounits, nanoseconds, nanomillimeters, etc, in going to Mars or splitting sheep genes or soya bean genes but even our millions are questionable in counting depositories of the world's most precious resources, human linguistic and cultural diversity units, people. In Denmark, a bacon-exporting country, there are at any one time exact figures for how many pigs of different kinds, ages and weight classes there are, but no idea of how many or which languages people speak as their mother tongues or what linguistic

competencies people have.

Table 4 lists the **top 10 oral languages** in the world, in terms of number of mother tongue speakers. They are Chinese, English, Hindi/Urdu, Spanish, Arabic, Portuguese, Russian, Bengali, Japanese, German. All have more than or very close to 100 million speakers. But they take half the pie: they comprise only 0,10 - 0,15% of the world's oral languages but account for close to 50% of the speakers, i.e. the world's oral<sup>vi</sup> population (Table 4). The first 2 columns are based on Graddol (1997, Table 1, p. 8); his information is partly on **Ethnologue** 1996 figures, partly figures created by his engco model<sup>vii</sup>. The ordering is here according to the engco model numbers. The third column is based on Gunnemark (1991:167) and the fourth on Crystal (first 1987: 287 and then 1997b, the second edition of **The Cambridge Encyclopedia of Language**; I have picked out the list from his Appendix with almost 1,000 languages with more than 100,000 speakers, pp. 443-451).

**Table 4**

**The top 10 oral languages in terms of number of first language speakers (all more than 100 million speakers), in millions**

Name of language	L1-speakers, engco, Graddol	L1-speakers, <b>Ethnologue</b> (Graddol)	Home language speakers, Gunnemark	Mother tongue speakers, Crystal	
Chinese	1. 1.113	1. 1.123	1.o 1.100	1. 1.100	
English	2. 372	2. 322	2. o. 300	2. 350	
Hindi/Urdu*	3. 316	5. 236	4. o. 250	4. 200	
Spanish	4. 304	4. 266	3. o. 300	3. 250	
Arabic	5. 201	6. 202	5. 200	5. 150	
Portuguese	6. 165	8. 170	7. o. 160	8. 135	
Russian	7. 155	3. 288	8. 160	7. 150	
Bengali	8. 125	7. 189	6. 185	6. 150	
Japanese	9. 123	9. 125	9. n. 125	9. 120	
German	10. 102	10. 98	10.n. 100	10. 100	
<b>Total</b>	2.996	3.019	o. 2.630	2.705	

o. = over; n. = nearly; \* Graddol puts Hindi and Urdu together, the other two have only Hindi here.

The next three languages - he does not give more - are according to Graddol (1997: 8) French (engco 70, Ethnologue 72), Italian (57, 63) and Malay (47, 47). Gunnemark (1991: 167, giving all home languages with at least 35 million speakers) and Crystal (1997b; the second edition of **The Cambridge Encyclopedia of Language**; I have picked out the list from his Appendix with almost 1,000 languages with more than 100,000 speakers, pp. 443-451) give the following list (Table 5):

**Table 5**

**The languages with between 35 and 100 million first language speakers, in millions**

Name of language	Gunnemark	Crystal	
Panjabi*	11. o. 90	12. 78	
Javanese	12. o. 80	13. 75	
Korean	13. n. 70	14. 60	
French	14. 65	11. 109	
Tamil	14. 65	17. 50	
Telugu	14. 65	16. 54	
Vietnamese	17. o. 60	15. 55	
Marathi	18. 60	17. 50	
Italian	19. n. 60	23. 40(65)	
Turkish	20. o. 50	17. 50	
Persian	21. n. 50	26. 20(55)	
Urdu	22. o. 45	21. 41(85)	
Thai	23. 45	25. 25(50)	
Ukrainian	24. n. 45	20. 45	
Polish	25. n. 40	23. 40	
Bhojpuri	26. o. 35	21. 41	
Gujarati	27. o. 35	27. xx	
<b>Total</b>	920	xxx	

\* both Punjabi and Panjabi are used, also by speakers of the language themselves.

Crystal gives the estimated number of second language speakers in parenthesis and, except for Urdu, these seem to correspond better to Gunnemarks home language speakers than the figures Crystal gives for mother tongue speakers. Crystal's figures are in general somewhat lower than Gunnemark's, except for the glaring exception of French (where Gunnemark's figure is close to that of other researchers whereas Crystal's is way above them).

The top languages in terms of number of speakers are the **big killer languages**, and English is the foremost among them. These are the languages whose speakers have arrogated to themselves and to their languages more structural power and (material) resources than their numbers would justify, at the cost of speakers of other languages.

There is much more disagreement about the following dozen of languages. Table 6 gives an overview of the sizes of (oral) languages.

A very small group of the world's languages, numbering **less than 300** (Harmon 1995; between 200 and 250, Krauss 1992), are spoken by communities of **1 million speakers and above**.

Demographically these **less than 300 languages** (the Really Very Big, Big and the Middle-sized languages) account for a total of over 5 billion speakers or close to **95% of the world's population**. But the 95% of the world's population accounts for much less than 5% of the world's languages, probably only 3 percent. This means that some 95-97% of the world's languages have fewer than 1 million speakers each. Probably around **45% of the world's languages are spoken by between 1 million and 10,000 speakers each** (the **smallish, small and very small**

languages).

Somewhat **over half of the world's (oral) languages** and most of the sign languages are spoken by communities of **10,000 speakers or less**. Most languages are spoken in one country only: 84% of all the world's oral languages are endemic to the country. These languages which are spoken by less than 10,000 each are the **Really small and threatened languages**. The **median** number of speakers for oral languages is probably some 5-6.000 people (Krauss 1992, 7). But half of these, in turn, meaning around **a quarter of the world's languages**, are spoken by communities of **1,000 speakers or less**, according to Dave Harmon (1995). Demographically, their speakers total according to one account (Harmon? Krauss?) only about 8 million people, less than 0.15% of an estimated world population of 5.3 billion (1992 figures). Over 25% of the world's languages account for only 0.15% of speakers. These **Minimal-sized and therefore endangered languages** are the most vulnerable oral languages of the world (and all sign languages are threatened).

**Table 6**  
**Overview of language sizes and numbers**

Category	Number of speakers of each language in millions	Number of languages	Total number of speakers in millions	% of world's languages	% of world's speakers
<b>A. Really Very Big:</b> Chinese, English, Hindi/Urdu, Spanish, Arabic, Portuguese, Russian, Bengali, Japanese, German	over 100 million	10  A+B+C together 208*	between 2.700-3.000m; A+B+C together over 5 billion	0,10-0,15%	around 49%;  A+B+C together close to 95%
<b>B. Big</b> (see Table xx)	between 35-100	ca 30	920m	under 0,5%	
<b>C. Middle-sized</b> (see Table xx)	between 1-35	around 170** (36 of these between 10-35m)	over 1.174***	around 2,5%	
<b>D. Smallish</b>	between ½-1 million	around 50		under 1%	
<b>E. Small</b>	between 100.000-½ million	around 250; A-E 708		under 5%	
<b>F. Very small</b>	between 10.000-100-			around 40%	

	000				
<b>G. Really small</b>	between 1.000-10.000			around 25%	
<b>H. Minimal-sized</b>	fewer than 1.000		#	around 25%	under 0,15%

'world's languages' refers to oral languages only; \*, \*\*, and \*\*\* counted on the basis of Gunnemark's figures; \*\* several other estimates are between 200 and 300; \*\*\* is an absolute minimum figure. # ??xx mentions the figure of 8 million xx cannot be correct xx Several of the sources mentioned above have been used and combined for the table. According to the more detailed lists used here, there should be a bit over 700 languages with over 100,000 speakers (those in categories A to E). Crystal 1997b lists 'nearly 1,000 living languages' for this group.

### 3. The state of the languages: the moribund, the endangered and the safe

Linguists agree that many languages face extinction. Michael Krauss from Alaska is one of the linguists who has worked hard to make the world aware of the threat to languages (e.g. Krauss 1992). He divides the (oral) languages into three groups, the **moribund**, the **endangered** and the **safe** languages (ibid., 5-7).

The **moribund** languages, between 20 and 50 percent of the world's oral languages, are the ones which are no longer being learned by children, meaning they are 'beyond endangerment, they are living dead and will disappear in the next century' (Krauss 1995).

The **endangered** languages are the ones 'which, though now still being learned by children, will - if the present conditions continue - cease to be learned by children during the coming century' (Krauss 1992, 6).

The **safe** languages are the ones which are neither moribund nor endangered.

Krauss sees the number of speakers as one of the two important criteria for safeness. The **median** number of speakers for oral languages is probably some 5-6.000 people (Krauss 1992, 7). Most languages are spoken in one country only: just over 83% of all the world's oral languages are endemic to the country, according to David Harmon's (1995a: 6) analysis of the **Ethnologue's** 12th edition (5,635 out of 6,760). Thus it is easy to see that the future for linguistic diversity is not bright, also because it is unlikely that many new languages will be born.

Starting with seeing languages with more than one million speakers as 'safe' (200-250 languages), Krauss first goes down to half a million (which raises the numbers with some 50 languages) and then all the way down to 100.000. This gives around 600 'safe' languages (see Table 6). On the other hand he mentions Breton, with over a million speakers in living memory, and very few now, and Navajo, with well over 100.000 speakers a generation ago but with a very unsure future (1992, 7).

Trond Trosterud of the Barents Secretariat (<http://xxx>) considers that not even languages with millions of speakers are necessarily safe. He warns that the degree of threat cannot be directly predicted from numbers.

Krauss does not do this either - his third criterion, in addition to numbers and learning by children is official state support (1992, 7). But the majority of the world's around 200 states are not officially multilingual. In addition (Table 7), English has official status in 75 countries, French in 26, Arabic in 19, Spanish in 18, Portuguese and German in 6 each, and Chinese, Malay and Tamil in 3 each. This means that at least one of the 9 big languages above has official status in 141 countries in the world. Even if many of them have some other official languages too, to

me it is scary. **UNESCO Statistical Yearbook 1997** lists a total of 176 countries. If in 141, 79,66%, of these, one of the 9 languages (out of the 6,760 in the **Ethnologue**) has official status, that means that 80% of the world's countries give official status to 0,133% of the world's oral languages. This does not leave much room for other languages. In most of the countries the native speaker population of this language with official status is minimal. Linguistic and cultural colonialism have replaced physical colonialism. What is needed is not only the decolonisation of the mind (as Ngugi puts it) but the decolonisation of the linguistic mind. Even if some additional languages have partial official status, regionally or for specific purposes, e.g. education, their numbers are probably maximally some hundreds. This leaves over 95 percent of the world's oral languages without any official support.

**Table 7**  
**States where certain languages are 'an' or 'the' official language or have otherwise official status**

LANGUAGE	Number of states	Where?
English	45 (Krauss)  over 70 (Crystal)	1.American Samoa 2. Antigua & Barbuda 3.Australia 4.Bahamas 5.Bangladesh 6.Barbados 7.Belize 8.Bermuda 9.Bhutan 10.Botswana 11.British Virgin Islands 12.Brunei 13.Cameroon 14.Canada 15.Cayman Islands 16.Cook Islands 17.Dominica 18.Fiji 19.Gambia 20.Ghana 21.Gibraltar 22.Grenada 23.Guam 24.Guyana 25.Hong Kong 26.India 27.Ireland 28.Jamaica 29.Kenya 30.Kiribati 31.Lesotho 32.Liberia 33.Malawi 34.Malaysia 35.Malta 36.Marshall Islands 37.Mauritius 38.Micronesia 39.Montserrat 40.Namibia 41.Nauru 42.Nepal 43.New Zealand 44.Nigeria 45.Northern Marianas 46.Pakistan 47.Palau 48.Papua New Guinea 49.Phillippines 50.Puerto Rico 51.Rwanda <sup>viii</sup> 52.St Kitts & Nevis 53.St Lucia 54.St Vincent & Grenadines 55.Seychelles 56.Sierra Leone 57.Singapore 58.Solomon Islands 59 <sup>ix</sup> .South Africa 60.Sri Lanka <sup>x</sup> 61.Suriname 62.Swaziland 63.Tanzania? 64.Tonga 65.Trinidad & Tobago 66.Tuvalu 67.Uganda 68.United Kingdom 69.UK Islands (Channel Islands, Man) 70.United States 71.US Virgin Islands 72.Vanuatu 73.Western Samoa 74.Zambia 75.Zimbabwe
French	30 (Krauss)	1.Belgium 2.Benin 3.Burkina Faso 4.Burund 5.Cameroon 6.Canada 7.Central African Republic 8.Comores 9.Congo 10.Ivory Coast 11.France 12.French Polynesia 13.Gabon 14.Haiti 15.Lebanon 16.Luxembourg 12.Madagascar 13.Mali 14.Mauritius 15.Monaco 16.Niger 17.Panama 18.Rwanda 19.Senegal 20.Seychelles 21.Sudan 22.Switzerland 23.Togo 24.Vanuatu 25.Wallis and Futuna 26.Zaire
Spanish	20	1.Argentina 2.Bolivia 3.Colombia 4.Costa Rica 5.Cuba

	(Krauss)	6.Ecuador 7.El Salvador 8.Equatorial Guinea 9.Guatemala 10.Honduras 11.Mexico 12.Nicaragua 13.Paraguay 14.Peru 15.Puerto Rico 16.Spain 17.Uruguay 18.Venezuela
Arabic	20 (Krauss)	1.Algeria 2.Comores 3.Egypt 4.Iraq 5.Israel 6.Jordan 7.Kuwait 8.Lebanon 9.Libya 10.Maldives 11.Mauritania 12.Morocco 13.Qatar 14.Somalia 15.Sudan 16.Syria 17.Tunisia 18.United Arab Emirates 19.Yemen
Portuguese	6 (Krauss)	1.Angola 2.Brazil 3.Guinea-Bissau 4.Mozambique 5.Portugal 6.São Tomé and Príncipe
German	6	1.Austria 2.Belgium 3.Germany 4.Liechtenstein 5.Luxembourg 6.Switzerland
Malay	3	1.Brunei 2.Malaysia 3.Singapore
Chinese (any form)	3	1.China 2.Hong Kong 3.Singapore
Tamil	3	1.India 2.Singapore 3.Sri Lanka

Sources: Number of states: Krauss 1992, 7; lists compiled on the basis of: Crystal 1997, 57-60; Kaplan & Baldauf 1997, 325-340; de Varennes 1996, 380-459; Graddol 1997.

Admittidly some countries have several official languages, notably South-Africa with 11 official languages, and India, with 18 plus 1). Still, probably the number of official languages in the world is no higher than the number of states.

As we said, Krauss estimates (1992, 1995) the number of oral languages that are assured of still being around in 2100 to only around 600, much less than 10 percent of the present oral languages. Again, this count does not consider sign languages<sup>xi</sup>. According to this prognosis, then, not only are most of the languages with less than 10,000 speakers, over half of today's languages, going to disappear, but also most of the ones which have between 10,000 and 1 million speakers. All this just in the next hundred years.

#### **4. Linguistic and cultural diversity are correlationally and may be causally connected to biodiversity**

Languages are today being killed and linguistic diversity is disappearing at a much faster pace than ever before in human history.

Now we could just say: so what? Is it not a natural development? Will it not be easier when all of us speak the same language, or only a few big languages?

No. I shall only present one reason here of the many - probably a less well known one.

Linguistic and cultural diversity are as necessary for the existence of our planet as biodiversity.

They are correlated: where one type is high, the other one is too. Mark Pagel points out that in North America

languages, like all biological species, get thicker on the ground as you approach the equator (Pagel, as reported by Nicholas Ostler in **Iatiku: Newsletter of of the Foundation for Endangered Languages** 1, 1995, p. 6).

Luisa Maffi, President of Terralingua<sup>xii</sup>, also says (1996) that there are

'remarkable overlaps between global mappings of the world's areas of biological megadiversity and areas of high linguistic diversity', and likewise a 'correlation between low-diversity cultural systems and low biodiversity' (Maffi 1996)<sup>xiii</sup>.

I will only refer you to one Table showing this correlation. In Table 8, conservationist David Harmon compares **endemism** in language and in higher vertebrates (mammals, birds, reptiles and amphibians), taking the top 25 countries for both.

Harmon has derived the figures for endemic languages from Grimes **Ethnologue** 1992 and for species from WCMC 1992: 139-141. The countries which are on both lists are **BOLDED AND CAPITALISED**.

**Table 8**  
**Endemism in language and higher vertebrates: comparison of the top 25 countries**

Endemic languages	Number	Endemic higher vertebrates species	Number
1. <b>PAPUA NEW GUINEA</b>	847	1. <b>AUSTRALIA</b>	1,346
2. <b>INDONESIA</b>	655	2. <b>MEXICO</b>	761
3. Nigeria	376	3. <b>BRAZIL</b>	725
4. <b>INDIA</b>	309	4. <b>INDONESIA</b>	673
5. <b>AUSTRALIA</b>	261	5. Madagascar	537
6. <b>MEXICO</b>	230	6. <b>PHILIPPINES</b>	437
7. <b>CAMEROON</b>	201	7. <b>INDIA</b>	373
8. <b>BRAZIL</b>	185	8. <b>PERU</b>	332
9. <b>ZAIRE</b>	158	9. <b>COLOMBIA</b>	330
10. <b>PHILIPPINES</b>	153	10. Equador	294
11. <b>USA</b>	143	11. <b>USA</b>	284
12. Vanuatu	105	12. <b>CHINA</b>	256
13. <b>TANZANIA</b>	101	13. <b>PAPUA NEW GUINEA</b>	203
14. Sudan	97	14. Venezuela	186
15. Malaysia	92	15. Argentina	168
16. <b>ETHIOPIA</b>	90	16. Cuba	152
17. <b>CHINA</b>	77	17. South Africa	146
18. <b>PERU</b>	75	18. <b>ZAIRE</b>	134
19. Chad	74	19. Sri Lanka	126
20. Russia	71	20. New Zealand	120
21. <b>SOLOMON ISLANDS</b>	69	21. <b>TANZANIA</b>	113

22. Nepal	68	22. Japan	112
23. <b>COLOMBIA</b>	55	23. <b>CAMEROON</b>	105
24. Côte d'Ivoire	51	24. <b>SOLOMON ISLANDS</b>	101
25. Canada	47	25. <b>ETHIOPIA</b>	88
		26. Somalia	88

Source: Harmon 1995a, 14. Figures for Ethiopia include Eritrea. Reptiles are not included for USA, China and Papua New Guinea.

16 of the 25 countries are on both lists, a concurrence of 64%. According to Harmon, it is highly unlikely to be accidental, and he gives factors accounting for it which I do not have time to go into.

But the relationship between linguistic and cultural diversity on the one hand and biodiversity on the other hand is not only correlational. There seems to be mounting evidence that it might be causal. According to Maffi, ethnobiologists, human-ecologists and others have proposed

'theories of "human-environment coevolution"', including the assumption that 'cultural diversity might enhance biodiversity or vice versa.' (ibid.).

In this perspective, the first conference investigating this relationship, called 'Endangered Languages, Endangered Knowledge, Endangered Environments' (at the University of California, Berkeley, October 1996, organised by Maffi) stressed

the need to address the foreseeable consequences of massive disruption of such long-standing interactions (ibid.).

The processes of language loss also

affect the maintenance of traditional environmental knowledge - from loss of biosystematic lexicon to loss of traditional stories (ibid.).

The United Nations Environmental Program (UNEP), one of the organisations behind the 1992 Rio Biodiversity conference, produced a massive book on global biodiversity assessment that summarizes current knowledge about biodiversity (Groombridge 1992). Now UNEP also acknowledges the connection between biological resources and human resources. It has just produced a companion volume to the biodiversity book, on **Cultural and Spiritual Values of Biodiversity** (Posey & Dutfield, (eds.) 1998). In the chapter on Language Diversity, Luisa Maffi and I argue that

the preservation of the world's linguistic diversity must be incorporated as an essential goal in any bioculturally-oriented diversity conservation program (from Executive Summary).

We can compare the loss of languages to some aspects of loss of biodiversity (Table 9).

**Table 9**

**Endangered, threatened, moribund - comparison between biological species and languages**

Number of species	Extinction rate per year	Extinction rate in percent, various alternatives
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'pessimistic''optimistic' NPNO	pess.opt. EPEO	
5 million 30 million	150,000 5,000	NO+EO (30m+ 5,000)0,017% NP+EP (5m+150,000)3% NO+EP (30m+150,000)0,5% NP+EO (5m+ 5,000)0,1% 'pessimistic realistic'0,2% 'optimistic realistic'0,02%
<b>mammal species</b> 4.400	endangered or threatened* 326	7,4%
<b>birds</b> 8,600	231	2,7%
<b>ORAL LANGUAGES</b> 6,700	<b>** OVER 6,000</b>	90 %

\*'Endangered' species = 'species that are in imminent danger of extinction'; 'Threatened' species = 'species that in the foreseeable future will be in imminent danger of extinction':  
\*\* Languages: 90% moribund, endangered, or threatened.

The total number of species is not known, and estimates vary much more than for languages, from five million to thirty million or more, i.e. the highest estimates are more than six times the lowest. Therefore, also **extinction rates** are difficult to determine.

Conservative estimates put the rate at more than 5,000 species each year. This is about ten thousand times as fast as prehuman extinction rates. Less conservative estimates put the rate at 150,000 species per year (Goodland 1996, 214).

If we take the most conservative ('optimistic') estimate of extinction (5,000/year) and the 'optimistic' (least conservative) estimate about numbers (30 million), we get a 0,017% rate per year. With reverse estimates, 'pessimistic' (least conservative) for extinction (150,000/year and most 'pessimistic' (most conservative) for species (5 million), the yearly extinction rate would be 3%. As we can see, the difference is huge, mainly because the highest extinction rate estimate is 300 times the lower one. On the other hand, those researchers who use the higher rates, usually also use the higher estimates of numbers. For instance, an extinction rate of 150,000/year, with the numbers set at 30 million, would give a yearly extinction percentage of 0.5%. The most realistic figures seem to be somewhere between 0.2% ('pessimistic realistic') and 0.02 ('optimistic realistic').

'Endangered' species are defined as 'species that are in imminent danger of extinction' (Krauss 1992, 7) and 'threatened' as 'species that in the foreseeable future will be in imminent danger of extinction' (ibid.). Of the 4.400 mammal species, 326 or 7.4% are on either the 'endangered' or the 'threatened lists, and the corresponding figures for birds are 231 (2.7%) of 8,600. Krauss claims (1992, 7) that Alaskan biologists claim underlisting, and estimate the percentages to 10% and 5%, respectively.

As compared to the threat of languages (90% moribund, endangered, or threatened), the threat to biodiversity is 'relatively mild', according to Krauss (1992, 7). Of course a comparison is problematic because the definitions used are different. If we make a very simple calculation, estimating the rate of extinction with today's situation as the starting point, 90% of today's languages would according to Krauss be extinct in 100 years' time, whereas 20% of today's

species would, according to the 'pessimistic realistic' estimate above, and 2% according to the 'optimistic realistic' estimate. This shows that there is a very large difference. Still, there are thousands of organisations fighting loss of biodiversity.

It is interesting, then, that loss of biodiversity has had massive attention all over the world - many people are worried about it. But few people talk of loss of linguistic diversity. Still, linguistic diversity is today disappearing relatively much much faster than biological diversity, in the sense that the percentage of languages that will perish/be killed in the next century is larger than the percentage of all biological species that will be killed during the same time.

'Preservation of the linguistic and cultural heritage of humankind' (one of Unesco's declared goals) has been seen by many researchers and politicians as a nostalgic primordialist dream (creating employment for the world's linguists). The perpetuation of linguistic diversity is, however, a necessity for the survival of the planet, in a similar way to biodiversity (Maffi, Skutnabb-Kangas & Andrianarivo 1998).

## 5. (Educational) linguistic human rights in international human rights law

But what does this have to do with linguistic human rights? **Language rights in education** are central for the maintenance of languages and for prevention of linguistic and cultural genocide, regardless of whether this education happens in schools, formally, or in the homes and communities, informally, and regardless of whether and to what extent literacy is involved. Transmission of languages from the parent generation to children is **the** most vital factor for the maintenance of languages. Children must have the opportunity of learning their parents' idiom<sup>xiv</sup> fully and properly so that they become (at least) as proficient as the parents. Language learning in this sense has to continue at least into young adulthood, for many functions throughout life. When more and more children get access to formal education, much of their more formal language learning which earlier happened in the community, happens in schools. If an alien language is used in schools, i.e. if children do not have the right to learn and use their language in schools, the language is not going to survive because children educated through the medium of an alien language are not likely to pass their own language on to their children and grandchildren. "Modernization" has accelerated the death/murder of languages which without formal education had survived for centuries or millennia. One of the main agents in killing languages is thus the linguistic genocide which happens in formal education, every time indigenous or minority children or dominated group children even if they are a majority in terms of numbers are educated in a dominant language.

Linguistic genocide sounds drastic. We need to define it. When the United Nations worked on the final draft of what was to become The Convention on the Prevention and Punishment of the Crime of Genocide (E 794, 1948), a definition of **linguistic genocide** was included in Article III.1:

Prohibiting the use of the language of the group in daily intercourse or in schools, or the printing and circulation of publications in the language of the group.

In the final vote in General Assembly, Art. III was voted down, and is NOT part of the final Convention. Still, the definition can be used. If we accept the claim that "prohibition" can be direct or indirect, it follows that if the minority language is not used as a medium of education in the preschool/school and if there are no minority teachers in the school, the use of the language is **indirectly** prohibited in daily intercourse/in schools, i.e. it is a question of linguistic genocide. For maintenance and development of languages, educational linguistic rights, including the right

to mother tongue medium education, are absolutely vital. I would not hesitate in calling **educational language rights the most important linguistic human rights** if we are interested in maintaining linguistic and cultural diversity on our planet. One possible tool in maintaining and developing languages is to refer to linguistic human rights, when demanding mother tongue medium education. This of course presupposes that mother tongue medium education in fact IS a human right. In the following section I show what the situation is today.

In many of the post-WW2 human rights instruments<sup>xv</sup>, language is mentioned in the preambles and in general clauses, as one of the characteristics on the basis of which individuals are not to be discriminated against in their enjoyment of human rights and fundamental freedoms. The other original characteristics (from the joint Art. 2, Universal Declaration of Human Rights, and Art. 2.1, International Covenant on Civil and Political Rights) are "**race, colour, sex, religion, political or other opinion, national or social origin, property, birth or other status**". Later instruments have added **disability, economic status or any other social condition, ethnic origin, conviction, nationality, age and marital status**. The original and basic four (in the United Nations Charter, Art.13) are "**race, sex, language, or religion**". This shows that language has been seen as one of the most important characteristics of humans in terms of their human rights.

But when we move from the lofty non-duty-inducing phrases in the preambles of the human rights instruments, to the real business, namely the binding clauses, and especially to the educational clauses, something very strange happens. There is a change of position. All or most of the **non-linguistic** human characteristics (race, sex, religion, etc) are still there and get positive rights accorded to them: the clauses or articles about them create obligations and contain demanding formulations, where the states are firm dutyholders and are obliged to ('shall') act in order to ensure the specified rights (i.e. positive rather than negative rights). Here modifications, opt-out clauses and sliding-scale alternatives are rare.

In binding educational clauses, however, one of two things can often be noted. Firstly, often language disappears completely, as, for instance, in the **Universal Declaration of Human Rights** (1948) where the paragraph on education (26) does not refer to language at all. Similarly, the **International Covenant on Economic, Social and Cultural Rights** (adopted in 1966 and in force since 1976), having mentioned language on a par with race, colour, sex, religion, etc. in its general Article (2.2), does explicitly refer to 'racial, ethnic or religious groups' in its educational Article (13). However, it omits here reference to language or linguistic groups:

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

The European Convention on Human Rights and Fundamental Freedoms from 1950 is equally silent on not only language rights in education but even more general minority rights, says Patrick Thornberry:

The Convention does not establish individual minority rights nor collective rights of minorities. Case-law has gradually mapped out what the Convention demands and permits (Thornberry 1997, 348-349).

There is ... no right to "linguistic freedom" in the Convention. In the *Isop* case, the Commission denied such a right where the applicant claimed the right to use the Slovene language before a civil court; similar cases have affected, e.g., speakers of Breton, Flemish, and Frisian. On access

to education in the language of a minority group, case-law indicates that the Convention does not guarantee the right to be educated in the language of one's parents by public authorities ... In a number of instances, the Commission has stated that 'the Convention does not guarantee specific rights to minorities' ... Similarly, there is no right to separate representation of minorities in legislative bodies ... nor to self-determination (Thornberry 1997, 349).

Several new Declarations and Conventions to protect minorities and/or minority languages have been passed in the 1990s. But even in the new instruments strange things are happening in relation to language and the Articles about language rights in education. Even in new instruments language has been omitted. This is interesting in relation to racism definitions. It is very clear that crude biologically argued racism is no longer accepted as official ideology in any state - in its stead has come culturally/ethnically argued racism (ethnicism) and linguistically argued racism, linguisticism xxx (Skutnabb-Kangas 1986). This should of course also be reflected in recent action-oriented definitions of racism. When the UN Centre for Human Rights in Geneva wrote a **Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination** for the UN Year Against Racism (1996), 'race, colour, descent, nationality or ethnic origin' were mentioned in the new definition of racism used, but there was no mention of language:

\*\*\*\*\*

## **RACISM**

### **Model Law Against Racial Discrimination, UN**

1. The purpose of this Act is to prohibit and bring to an end racial discrimination by any person, group of persons, public authorities, public and private national and local institutions and organizations in the civil, political, economic, social and cultural spheres, **inter alia** in employment, education, housing and the provision of goods, facilities and services.

#### **PART I. Definitions**

2. In this Act, racial discrimination shall mean any distinction, exclusion, restriction, preference or omission based on race, colour, descent, nationality or ethnic origin which has the purpose or effect of nullifying or impairing, directly or indirectly, the recognition, equal enjoyment or exercise of human rights and fundamental freedoms recognized in international law.

3. Racial discrimination shall not include special measures which have the purpose of ensuring adequate advancement of an individual or group of individuals of any particular race, colour, descent, nationality or ethnic origin, for the enjoyment or exercise of human rights and fundamental freedoms recognized in international law, provided that such measures do not result in the maintenance of separate rights for different racial groups and that they do not remain in force after the objectives for which they were taken have been achieved.

(from **Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination**).

\*\*\*\*\*

**If** language-related rights **are** included and specified, the Article dealing with these rights, in contrast to the demanding formulations and the few opt-outs and alternatives in the articles dealing with other characteristics, is typically so weak and unsatisfactory that it is virtually meaningless. All or many of the other human characteristics are still there and get proper treatment and detailed, positive rights. The clauses about them create obligations and contain demanding formulations, where the states are firm dutyholders and '**shall**' do something positive in order to ensure the rights; there are few modifications, few opt-out clauses and few alternatives on a gliding scale. Many of the other characteristics get their own specific

conventions (e.g. conventions to prevent racism or sexism, or to guarantee freedom of religion). But not so for language, especially in education.

For example, in 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, most of the Articles use the obligating formulation 'shall' and have few let-out modifications or alternatives - except where linguistic rights in education are concerned. Compare, for example, the unconditional formulation in Article 1 with the education Article 4.3:

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, '*obligating*' in italics, '**opt-outs**' in bold).

Clearly the formulation in Art. 4.3 raises many questions. What constitutes 'appropriate measures', or 'adequate opportunities', and who is to decide what is 'possible'? Does 'instruction in their mother tongue' mean through the medium of the mother tongue or does it only mean instruction in the mother tongue as a subject?

When we start looking at the history of the UN Declaration, additional interesting details emerge. A (first) draft was submitted by Yugoslavia (UN Doc.E/CN.4/L.1367/Rev.1 (2 March 1978)).

While "the principle of equal respect for cultures runs through the whole text" (Thornberry 1997, 344), Article 4.3 "did not figure in the 1990 draft" (ibid.) but was introduced by Austria in December 1991. "The principal factors weakening the possible wording of the text were those of resources and a concern for State sovereignty" (ibid.). Patrick Thornberry states that already the early response of the UK to the draft Declaration "was conditioned in part by resource considerations" (ibid., note 120) - the phrases "have adequate opportunities" and "have instruction" "suggest the need for the provision of resources by the State" (ibid.). When the final Draft Declaration (after having been approved by ECOSOC, the Economic and Social Council, in Resolution 1992/4) was submitted to the UN General Assembly, the 36 sponsor states of the resolution<sup>xvi</sup> did **not** include, for instance, France, Turkey or UK.

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

While the Charter demonstrates the unquestionably real problems of writing binding formulations which are sensitive to local conditions, just as in the UN Declaration above, its 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 on 10 November 1994. We

again find that the Article covering medium of education is so heavily qualified that the minority is completely at the mercy of the state:

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught in the minority language or for receiving instruction in this language (emphases added).

The Framework Convention has been criticized by both politicians and even international lawyers who are normally very careful in their comments. In order to show that my critic which is more sociologically oriented is shared by human rights lawyers, I will quote at length Patrick Thornberry, Professor of Law at Keele University, UK, one of the best experts in the world on minority rights. He has the following to say about the framework Convention. He thinks that "... this looks rather odd..." (Thornberry 1997, 351) and calls it

...somewhat belated commitment of the Council of Europe to protection of minorities... (Thornberry 1997, 351).

Thornberry quotes the Parliamentary Assembly of Council of Europe:

The Parliamentary Assembly issued strong criticism of the Framework convention:

The convention is weakly worded. It formulates a number of vaguely defined objectives and principles, the observation of which will be an obligation of the Contracting States but not a right which individuals may invoke. Its implementation machinery is feeble and there is a danger that, in fact, the monitoring procedure will be left entirely to governments." (Thornberry 1997, 352).

In Thornberry's view,

The preamble wavers in its terminology of purposes and objectives (Thornberry 1997, 351).

Thornberry also notes that the vagueness is intentional, and that the Explanatory Report on the convention in fact makes it clear that the provisions are not to be interpreted as real provisions: The Explanatory Report on the Convention states ... that 'the purpose of this last recital is to indicate that the provisions of this ... Convention are not directly applicable...'. ... The effect is to lend a remote, indirect and programmatic element to the Convention, a reading borne out in other areas of the text. The substantive text ... already gives the States a great measure of discretion on their reading of obligations. (Thornberry 1997, 352).

This also means that individuals have no right to complain if the provisions are not being met. In Thornberry's words:

There is no place in such a scheme for a system of applications by individuals (Thornberry 1997, 352).

One of the difficulties in earlier provisions has been that states can claim that they have no minorities, and that there thus are no beneficiaries for provisions. This has been, for instance, the stance of France and Turkey - they claim that they have no minorities. We can look at the **UN International Covenant on Civil and Political Rights**, ICCPR, Article 27 which still grants the best legally binding protection to languages:

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.

\*\*\*\*\*

### Table 10

The customary reading of Art. 27 interprets it as

- excluding groups (even if they are citizens) which are not recognised as minorities by the state;
- excluding (im)migrants (who have not been seen as minorities);
- 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.

**UN Human Rights Committee's General Comment on Article 27** (6 April 1994) interprets it as

- stating that the existence of a minority does not depend on a decision by the State but requires to be established by objective criteria;
- 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;
- recognizing the existence of a 'right', and
- imposing positive obligations on the States.

\*\*\*\*\*

In the customary reading of Art. 27 (Table 10), 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. The Committee sees the Article as

- stating that the existence of a minority does not depend on a decision by the State but requires to be established by objective criteria;
- 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;
- recognizing the existence of a 'right', and
- imposing positive obligations on the States.

The General Comment existed when the Framework Convention was accepted. Still, the Framework Convention does NOT take it into consideration but counteracts it, as is clear from Thornberry's comments:

There is no explicit reference in the convention to the existence of minorities and thus to the problem of State denial (Thornberry 1997, 353).

The existence of minorities is closely connected to the questions of both collective and individual identity. Forced assimilation into the dominant population is in most cases the causal factor in linguistic and cultural genocide and in the disappearance of linguistic and cultural diversity. On the other hand, states which do not want to grant guarantees against this forced assimilation, are often very interested in guaranteeing that nobody is labelled minority "against their own will". This is how the Framework Convention formulates the right to identity in Article 5(1):

The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

All traditions are not acceptable, though: the Explanatory Report has a disclaimer about them in its Para 44.:

The reference to "traditions" is not an endorsement or acceptance of practices which are contrary to national law or international standards.

Thornberry has the following to say about the Framework Convention's identity Article:

The provision on identity ... is peculiarly worded ... the formulation ... is possibly restrictive compared to other texts ... Coupled with the weakness of Article 5(1), the level of protection from unwanted assimilationist pressures appears limited. (Thornberry 1997, 353).

The Explanatory Report offers the opinion that 'no collective rights of minorities are envisaged' and that the 'choice of belonging' principle 'does not imply a right for an individual to choose arbitrarily to belong to any national minority' (Thornberry 1997, 353).

We might expect to find some more language rights in other Articles - but they are equally conspicuous. Article 9 on freedom of expression is, in Thornberry's view,

not remarkable ... The context of access is oddly phrased... (Thornberry 1997, 355).

And when we come to the right to use one's own language in at least some official contexts (Article 10(2)), we find modifications which are as heavy as in the education article:

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, **if those persons so request and the request corresponds to a real need**, the parties shall **endeavour to ensure, as far as possible**, the conditions which **would make it possible** to use the minority language in relations between those persons and the administrative authorities (emphases added).

Thornberry comments:

The language is full of qualification, and there is clearly a great deal of hesitancy concerning this particular right (Thornberry 1997, 355).

The Explanatory Report places a dubious interpretation on some of the phrases in the paragraph, suggesting that the 'existence of "a real need" is to be assessed by the State on the basis of objective criteria', and that:

'as far as possible' indicates that various factors, in particular the financial resources of the Party concerned, may be taken into consideration.

It is not clear why the text is to be interpreted so that 'need' must be assessed only by the State; the 'resources' question does not imply the legitimacy of a simple refusal of the State to provide (Thornberry 1997, 356).

Article 11(3) is, in Thornberry's assessment, 'drafted with the same or worse hesitation as Article 10(2)':

In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall **endeavour, in the framework of their legal system**, including, **where appropriate**, agreements with other States, and **taking into account their specific conditions**, to display traditional local names, street names and other topographic indications intended for the public **also** in the minority language **when there is sufficient demand for such indications** (emphases added).

The final verdict from Patrick Thornberry about the philosophy behind and the formulation of the Framework Convention, this latest flower on the tree of European Human Rights, is as follows. First two comments on the general philosophy (which is geared towards 'toleration'):

Minority rights provisions are sometimes characterized as little more than 'tolerance' provisions. Tolerance is an indispensable virtue for living in diversified societies, which is increasingly the case in an age of great human mobility but it is not a virtue which aspires to nobility (Thornberry 1997, 354).

The Report continues that, in view of various difficulties - financial, technical, etc., the 'provision has been worded very flexibly, leaving the parties a wide measure of discretion'. This is hardly an overstatement (Thornberry 1997, 356).

And then the general assessment of the provisions:

In case any of this [provisions in the Convention] should threaten the delicate sensibilities of States, the Explanatory Report makes it clear that they are under no obligation to conclude 'agreements', and that the paragraph does not imply any official recognition of the local names. Despite the presumed good intentions, the provision represents a low point in drafting a minority right; there is just enough substance in the formulation to prevent it becoming completely vacuous (Thornberry 1997, 356-357).

Thus the situation has not improved despite new instruments in which language rights are mentioned, or even treated in detail.

There is a hierarchy, with different rights, between different groups whose languages are not main official languages in the state where they live (see Human Rights Fact Sheets from the UN Centre for Human Rights in Geneva for these). Traditional/territorial/autochthonous/national minorities have more language rights than other groups and most human rights instruments pertain to them. **Immigrant/guest worker/refugee minorities** have practically no language rights in education in relation to their own language, and only few in relation to learning the official language. The UN International Convention on the Protection of the rights of All Migrant Workers and Members of Their Families, from December 1990 but not yet in force because of lack of signatures, in its assimilation-oriented educational language Article (45) accords minimal

rights to the mother tongues and is even more vague than the instruments mentioned before. **Indigenous peoples** have on paper some rights and more are suggested in the UN **Draft Universal Declaration on Rights of Indigenous Peoples**, but many of them may disappear in the revision process (see below).

A still more recent attempt to promote language rights, a Universal Declaration of Linguistic Rights, accepted in Barcelona in June 1996 and handed over to UNESCO, also suffers from similar shortcomings even if it for several beneficiaries (**language communities** and, to some extent, **language groups**) represents great progress in relation to the other instruments described. Still, indirectly its education section forces all others except those defined as members of **language communities** (which roughly correspond to national territorially based minorities) to assimilate. For all others, only education in the language of the territory is a positive right, i.e. not education in their own language. There is no mention of bilingual or multilingual territories in the Declaration. Every territory seems to have only one "language specific to the territory", i.e. territories are seen as monolingual. This means that for those 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 the right to "the most extensive possible command" of any **foreign** language in the world, whereas the rights granted to "everyone" include only the right to "oral and written knowledge" of one's **own** language. This is clear in a comparison of the formulations at the end of Article 26 on language communities with Article 29 which spells out the (negative) right of "everyone":

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", my emphases).

Besides, Art. 29.2 is formulated so as to suggest that "everyone's" own language can be learned only if it is a useful instrument when communicating with other language communities. This means that it could in principle be excluded if it is not known by any entity defined as a language community, or if it is not used as a **lingua franca** between people where some represent language communities. If it is 'only' known and/or used by language groups or by individuals representing "everybody" it can be excluded from any provision in Article 26.

It is likely that the lack of rights in the education section will force all those not defined as members of language communities to assimilate. This interpretation of indirect assimilation through education is strengthened when looking at the reservations in Articles which otherwise might grant "everyone" more language rights. According to Art. 23.4, "... everyone has the right to learn any language". "Any language" could also be interpreted as the mother tongue of those who otherwise are not granted positive mother tongue learning rights - except that this right prevails only "within the context of the foregoing principles" (Art. 23.4) which support only the languages and self-expression of language communities, i.e. not the languages of "groups" or "everyone":

1. Education must help to foster the capacity for linguistic and cultural self-expression **of the**

**language community of the territory where it is provided.**

2. Education must help to maintain and develop **the language spoken by the language community of the territory where it is provided.**

3. Education must always be at the service of linguistic and cultural diversity and of harmonious relations **between different language communities** throughout the world.

4. Within the context of the foregoing principles, everyone has the right to learn any language. (Article 23; my emphases).

The Declaration thus clearly gives language communities very extensive rights but leaves "everyone" with very few rights. This makes the Declaration vulnerable in several respects. As mentioned earlier, there are many states which claim that they do not have minority language communities, or which do not want to give these communities any rights. Since **self-determination** is not an unconditional right in international law, neither internally (autonomy of some kind) nor externally (secession, independence), a Declaration which gives most of the rights to linguistic **communities**, without firm dutyholders, makes these communities completely dependent on the acceptance of their existence by states, an acceptance that many states are not willing to grant. This makes individual rights enormously important in the Declaration. But these individual rights are the weakest part of the Declaration.

The new Universal Declaration does not give any positive **educational** language rights to **all** individuals, regardless of which category they belong to - and this is exactly what individual human rights are supposed to do. If something is to be seen as an individual **human right**, it means, per definition, a right which **every individual** in the world has, simply because that individual is a human being. It means an unconditional, fundamental right that no state is allowed to take away.

In addition, the new Declaration seems to be in many ways completely unrealistic - few if any states in the world would be willing to accept it in its present form.

This will probably be the fate of the UN **Draft Universal Declaration on Rights of Indigenous Peoples** also, according to its chair, Erica Irene Daes (1995). Despite the careful negotiations over a decade, several countries, most importantly the United States, are probably going to demand substantial changes which undermine the progress achieved in the Declaration (Morris 1995).

The conclusion is that we are still to see the right to education through the medium of the mother tongue become a human right. We are still living with basic language wrongs in human rights law, especially in education policy. Denial of linguistic human rights, linguistic and cultural genocide and forced assimilation through education are still characteristic of many states, notably in Europe and Neo-Europes.

There are some positive recent developments, though.

## **6. Recent positive developments**

The reinterpretation by the UN Human Rights Committee of Article 27 of the ICCPR already mentioned earlier is one of the positive developments. Another one is the NGO-initiated **People's communication Charter** (see Hamelink 199xx and the Charter's Web-page, <http://www./xx>). Here I shall only describe the third positive development because it is most directly related to education, **The Hague Recommendations**.

In 1992 OSCE (then CSCE) created the position of a High Commissioner on National Minorities 'as an instrument of conflict prevention in situations of ethnic tension' (Rothenberger 1997, 3). The High Commissioner, Max van der Stoep, is a former Foreign Minister of the Netherlands. In

order to prevent ethnic conflict, the High Commissioner recently published authoritative guidelines for minority education for the member states, including the United States. These guidelines, The Hague Recommendations, were worked out by a small group of experts on human rights and education (including the author of the abstract). The guidelines are an interpretation and concretisation of what international human rights law says about minority education. Even if the term used is "national minority", the guidelines also apply to immigrated minorities, and one does NOT need to be a citizen in order to be protected by the guidelines. It is important to remember that both Canada and the USA are among the 55 member states of OSCE. The Guidelines were worked out by a small group of experts on human rights and education (including the author of this paper). In the section 'The spirit of international instruments', bilingualism is seen as a right and responsibility for persons belonging to national minorities (Art. 1), and states are reminded not to interpret their obligations in a restrictive manner (Art. 3). In the section on "Minority education at primary and secondary levels", mother tongue medium education is recommended at all levels, including bilingual teachers in the dominant language as a second language (Articles 11-13). Teacher training is made a duty on the state (Art. 14).

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).

## **7. Hypocrisy?**

Despite the small recent improvements, it seems to me to be clear that the Western countries do not respect what should be basic linguistic human rights, especially in education, and that they do little to prevent linguistic and cultural genocide. The five claims in the abstract to this paper were as follows:

A. Western countries create a myth that human rights are respected in the West and that the West therefore has the right to function as some sort of a human rights police force in other parts of the world in the name of democracy.

B. Western countries prevent or try to prevent the acceptance of legally binding international conventions and charters on linguistic human rights when other countries propose them; alternatively, charters are formulated so as to exclude non-Europeans from the enjoyment of these rights in the West.

C. Western countries exclude linguistically argued racism and/or discrimination on the basis of language from the definition(s) of racism(s) and from many human rights documents, especially the articles on education.

D. Western countries demand from other countries that they grant minorities rights, especially linguistic human rights, which Western countries do not grant to minorities in their own countries.

E. Western countries use different standards in their own countries and in other countries when defining groups that linguistic rights should be granted to.

Only a few additional comments will be added about the remaining ones.

There have been numerous suggestions for including in international human rights instruments binding language-related rights rather than recommendations such as are found in, for instance, CSCE-process documents. Thus far, this has not succeeded. It seems that the same states fairly consistently object to international or regional instruments for protecting minority languages. I shall mention just a few examples; many more could be enumerated (see de Varennes 1996). The victorious states in the First "World" War, who imposed clauses on language-related minority rights on the losers in the Peace Treaties, did not grant the same rights to minorities in their own countries, and voted down proposed internationally binding rights (Capotorti 1979, 16-26). The same countries participated in voting down Article 3 on linguistic genocide after the Second World War. Greece, Turkey and the United States, for instance, have not signed the UN Covenant on Civil and Political Rights (with Art. 27, still the best legally binding formulation for protecting linguistic rights). Germany, and the United Kingdom have not ratified its Optional Protocol which gives access to complaint procedures. Of the almost 120 States which have ratified ICCPR, 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 (admittedly not many) linguistic and educational rights. At the CSCE Copenhagen meeting on the Human Dimension (June 1990), Bulgaria, France, Greece, Rumania and Turkey "did not agree with some far-reaching formulations for the benefit of minorities" (Suppan & Heubergerová 1992, 68). When the Council of Europe's European Charter for Regional or Minority Languages was accepted (June 1992), France, Turkey and United Kingdom abstained, Greece voted against (**Contact Bulletin** 9:2, 1992, 1).

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 from criticizing other countries for their treatment of minorities. This is clear, for instance, in the human rights conditionalities in 'development aid', excellently described by human rights lawyer Katarina Tomaševski, for instance in the books **Development Aid and Human Rights Revisited** (1993) and **Between sanctions and elections. Aid donors and their human rights performance** (1997; both London: Pinter; see also 1996 and 1997b) - for the role of education in

the World Bank's and IMF's structural adjustment programmes and their catastrophic consequences, see Brock-Utne 199xx, 19xx.). Likewise, it can be seen in the demands that the West, for instance via UN, OSCE, Council of Europe and other western-dominated organisations makes on both African and Asian and Pacific countries and, more recently, on Eastern and Central European countries, in terms of the treatment of minorities and human rights performance in general (for a detailed analysis of this for Estonia, see Rannut, in press). The Western states have also created a myth of themselves as guardians of human rights in the world, including the myth that they respect human rights themselves. In relation to educational linguistic rights, this is simply untrue - the West is, directly or indirectly, responsible for most of the linguistic and cultural genocide in the world.

A couple of recent examples from Denmark - many other similar ones could be used (for example the recent Proposal 227 by Ron Unz in California which is part of the June 2nd 1998 referendum and which clearly violates human rights. it would, among other things, make it possible to fine teachers who speak any other language but English in the classroom, even a few words).

The Danish development cooperation agency, Danida, has the following to say about the goal of its support to indigenous peoples' education in Bolivia - and this should be compared to the support - or rather, lack of support, to immigrant and refugee minorities in Denmark:

The Danish support goes to the central elements in attempts to democratize and to promotion of those specific rights that the Indian peoples emphasize most: the collective ownership to land and **the right to teaching in the mother tongue**. [...] In addition, establishment of **ethnic districts is supported**. The goal is to **acknowledge the social structure** which has traditionally been prevalent with the Indian peoples. [...] Teaching through the medium of the mother tongue is supported through further training of Indian teachers, production of teaching materials and establishing parent councils. A **Danish advisor** will advise the organisations of the Indian peoples and the decentralised departments of the Ministry of Education about the planning of the programme which will also be based on **positive experience** from a corresponding project in Peru, financed by Denmark. (**Danida nyt** 12, 1997, 3; my translation).

Compared to what happens 'at home', with **immigrant and refugee minorities in Denmark**, the only similarity in this amazing piece of news about official Danish policy in **development cooperation** is the presence of the Danish advisor(s).

But where the Danish advisor in Bolivia is supposed to acknowledge and support what the people to be supported themselves want, this is the exact opposite to what happens in Denmark. In Denmark, there is **no** mother tongue medium teaching for immigrant minorities, organised by the Danish state. And even the conditional right to have one's mother tongue taught as a subject has been suggested to be scrapped several times, against the regulations in the EU Directive from 1977.

Any 'ethnic districts', however small, are in Denmark called ghettos, and resented. There are strong attempts to both break up the existing ones and prevent new ones to arise, to the point of breaking both Danish laws about discrimination in housing allocation (as several court cases have shown) and international human rights conventions about free settlement (as the Danish Center for Human Rights has pointed out in its comments (1998b) about new draft laws). Representatives of immigrant minority organisations in Denmark have complained, officially and unofficially, dozens of times, that the system is paternalistic, with Danish politicians, administrators and civil servants having the right to make all the decisions about minorities, without listening to the minorities themselves. Suggestions in the new draft law on integration ensures Danish majority even in advisory functions and makes the decision-making still more

undemocratic.

Denmark has been a few times in the forefront in complaining about human rights violations in other countries, notably China, as long as the business interests were not affected. Again, these worries about human rights can be compared to what happens in Denmark. During the summer and autumn of 1997 Danish media had a very lively debate about asylum-seekers, refugees and immigrant minorities, with many openly discriminatory and racist commentaries, especially in a series in the populist right-wing daily **Ekstrabladet**. As a partial result, the support of one of the two extreme right-wing parties<sup>xvii</sup> grew rapidly. The chair of the other right-wing party, Kim Behnke (the two split up in 1996) is on record as suggesting, that Somali asylum-seekers whose applications for asylum Denmark had been refused, that they could just be dropped to Somalia from an airplane, with parachutes. Another representative of the same party applauded but suggested that the cost of the parachutes could be saved. In late autumn polls 1997 Dansk Folkeparti was the third largest political party in Denmark. The answer of the Social Democrat Prime Minister, Poul Nyrup Rasmussen, was to appoint a new Minister of the Interior, the retired Mayor of Århus, Thorkild Simonsen, who rapidly suggested new strict measures for more strict control of 'foreigners', including two new laws (L154 on changing the law on foreigners, the criminal law and the law on marriage, and L155 on integration of foreigners in Denmark). These draft laws suggest, among many other things, that

- asylum seekers are not allowed to marry while their applications are being processed (something that has in the past taken anything between 6 months up to 3-4 years);
- refugees have to stay in the municipality to which they have been allocated, during the whole integration period; if they move, their allowances stop;
- the economic support to refugees should be cut, and be lower than the minimum social welfare given to Danes;
- measures against 'arranged marriages';

The Danish Centre for Human Rights is extremely critical of the draft laws. In their Resume of the Comments on the new draft laws (14 January, 1998a), the Centre concludes, in a language which can be described as unusually sharp:

- The Center notes with xx stiller sig undrende over for xx the fact that the Ministry of Interior only to a limited degree makes use of recommendations, ideas and suggestions from White Papers, committees drafting laws, and research contracted by the state.
- The Center is worried about the fact that the Government seriously violates the principle of predictability in [the interpretation of] foreigner law, preferencing arbitrary powers for administrative bodies dealing with foreigners;
- The Center notes a new creation in terms of the technicalities of drafting laws [en lovgivningsteknisk nyskabelse], namely that laws are drafted which are on the verge of violating Denmark's international human rights duties, and that in explanatory comments a duty is placed on the administrative bodies to ensure that Denmark is not in conflict with human rights conventions. The Parliament disposes itself of xxfralægger sigxx the responsibility which was clearly emphasized when Denmark incorporated the European Convention on Human Rights [and Fundamental Freedoms] (1998a, 1).

All the examples of western hypocrisy work in the same direction: supporting or at least not preventing linguistic and cultural genocide, and preventing the use of the human rights system to support linguistic and cultural diversity. In the last part of the paper, human rights will be related to the 'free market' system.

## **8. Human rights as a corrective to the 'free' market**

Using the metaphor of the dominant languages themselves as killer languages as I did about the top languages may be vivid. However, it is the market forces behind the languages, behind the relative validation or invalidation, that are important to analyse. What I loosely call 'the "free" market response' is centralisation, homogenisation, monocultural efficiency; and the consequences of the 'free market' for linguistic diversity are disastrous. Another response could be through diversity, including implementing linguistic human rights. These two responses will be discussed below.

But first I want to ask what the response of the human rights system is to giving market forces free range? Human rights, especially economic and social rights, are, according to human rights lawyer Katarina Tomaševski (1996, p. 104), to act as **correctives to the free market**.

The first international human rights treaty abolished slavery. Prohibiting slavery implied that **people** were not supposed to be treated as market commodities. ILO (The International Labour Organisation) has added that **labour** should not be treated as commodity. But price-tags are to be removed from other areas too. Tomaševski claims (ibid., p. 104) that

The purpose of international human rights law is ... to overrule the law of supply and demand and remove price-tags from people and from necessities for their survival.

These necessities for survival include not only basic food and housing (which would come under economic and social rights), but also basics for the sustenance of a dignified life, including basic civil, political **and cultural** rights. In Johan Galtung's terms, it is not only material, somatic needs that are necessities for survival, but also non-material, mental needs (see Table 11):

**Table 11**  
**Types of basic needs and basic problems**

**TYPES OF BASIC NEEDS**

vs

**Impediments to their satisfaction**

<i>Material needs</i> ( <i>SOMATIC</i> )	<i>DIRECT</i> ( <i>intended</i> ) <b>SECURITY</b> vs <b><u>violence</u></b>	<i>STRUCTURAL</i> ( <i>built-in</i> ) <b>WELL-BEING</b> vs <b><u>misery</u></b>
<i>Non-material needs</i> ( <i>MENTAL</i> )	<b>FREEDOM</b> vs <b><u>repression</u></b>	<b>IDENTITY</b> vs <b><u>alienation</u></b>

(based on Galtung 1988, p. 147)

Education is part of 'well-being' and 'identity', and a prerequisite for 'security' and 'freedom'. Education, including basic educational linguistic rights, is one of the necessities from which price-tags should be removed by the human rights system.

This means that it is the duty of each government to create conditions under which people are able to provide these necessities for themselves. Many people cannot do this, some of the reasons

being that the right to work is not a fundamental inalienable individual human right. Neither is the right to fair trade at a collective level. If people cannot provide the necessities themselves, it is the duty of governments, according to human rights principles, to provide the necessities for those unable to do so themselves. If individual governments are unable to do so, it is the duty of the international community.

If this really happened, we would not need to worry about the fate of the world's languages. But it does not. Most states are either unwilling or unable to deliver - or both<sup>xviii</sup>. The United States would be capable of respecting educational linguistic human rights but is peculiarly unwilling to do so. The general unwillingness, especially by Western countries, becomes clear when scrutinizing the protection of educational language rights in some human rights instruments - which are, after all, signed and ratified by states (see Skutnabb-Kangas & Phillipson 1994, Skutnabb-Kangas 1998, in press, for summaries). The capacity of states to deliver is partially eroded by the "free" market, by the restrictions on state sovereignty in the age of post-modernist globalisation which has replaced the **universalism** of the modernisation period (Bauman 1997). **Universalisation**, seen by some idealists as positive (civilisation was spread to more and more countries, differences were going to be levelled out), in fact had to do with westernisation and homogenisation. In Zygmunt Bauman's analysis (1997), the difference between the two is that **universalisation** was seen as something with active agents (we made it happen) whereas **globalisation** is (constructed as) something that happens to us, a natural process that moves by itself. The actions by states are negative: to remove hurdles and obstacles for transnational corporations: to drop constraints to 'free' market, to make capital flexible, to make workers replaceable, movable and controllable, i.e. **not** take any positive action but only remove constraints to capitalism (see articles in Mander & Goldsmith (eds.) 1996). Bauman uses the claims by Kitmeyer, the German finance magnate, as an example: according to Kitmeyer the key task for states in the world today is to secure the confidence and trust of investors. The state must remove any obstacles to this confidence. Kitmeyer's claims are accepted at face value; he does not need arguments to support his claims. In his world, the investors are the only volatile element/force. In Bauman's analysis, on the other hand, behind this lies the collapse of institutions of political control of trade and capital.

The earlier tests of the sovereignty of a state had to do with to what extent the state had political control over the economy, the military, the culture; was self-sufficient and sovereign and could provide for its citizens (see also Hassanpour, in press). The post-modernist state has no control over the traditional markers of sovereignty; sovereignty has disappeared or is shaky beyond repair. **Glocalisation** has replaced globalisation. There is a globalisation of finance & capital; they are extraterritorial. Everybody can buy the same tanks, i.e. military control has disappeared. And American culture is everywhere (see Phillipson, in press). Preservation of local law and order (the only area where states are 'sovereign') represents localisation. States use their power to control those who might want to prevent the removal of the obstacles to globalisation<sup>xix</sup>.

Kitmeyer's investors are in Bauman's view interested in **weak but sovereign states**: states have to be weak in order not to be able to prevent the globalisation which multi- and transnationals need; on the other hand they have to be capable of securing the safety of international businessmen on the streets everywhere and to control workers, i.e. to have control over the state apparatuses for violence for internal purposes. Most wars today are intra-state wars, not wars between states.

The often quoted fact of the top 358 multimillionaires (who have as much liquid cash as the poorest 45% of the population of the world together) is just one example of increasing inequality, one of the consequences of structural changes in globalisation (one of the 'stress on people' factors in Figure 1). But instead of analysing the structural poverty, resulting from, among other factors, the structural unemployment inherent in the 'free markets', as a result of globalisation,

the poor are constructed as being poor because of inherent deficiencies (among these lack of competence in dominant languages). If the **Asian Tigers** could do it, everybody can - if they don't it is their own fault. The images of the poor have also undergone change historically (see Gronemeyer's excellent analysis of this, 1992). They were poor temporarily, it was not their fault, and they helped the rich camels to get through the needle's eye. They were there to be spiritually salvaged. They suffered of temporal unemployment or illness, and were just in need of short-term help to become useful and self-sufficient again.

Now the poor are seen as structurally poor and unemployed, hence bad consumers, and under the 'free' market that is a crime. Criminalisation of poverty leads to the poor being legitimately controlled by the state (in the welfare state by social workers, and increasingly the police) and not 'helped'. Not ethnic cleansing but economic cleansing, townships, bantustans for the poor of the world. Thus the local state removes the obstacles for the globalising free market. Signing the half-secretly negotiated MAI (Multilateral Agreement on Investment) further accelerates this development.

This is the answer of market forces to the post-modern problems of their own making. A human rights oriented answer could be different. According to our earlier analysis, one of the important tasks for states would be to guarantee the satisfaction of basic human needs for everybody. This could be done if human rights and economic rights came together, controlled by a democratic political process.

But in global **human rights policies** there is a conspicuous silence about economic and social (or welfare) rights, coupled with very vocal anti-welfare approaches. In global and Western **economic policies**, human rights are hardly mentioned, except when legitimating economic benefits for the industrialised countries by referring to alleged (and often real) human rights violations in underdeveloped countries. Also, in renegotiating **political, military and economic alliances**, Western countries skilfully play the card of alleged human rights violations<sup>xx</sup>.

Tomaševski sums it all up (1996, p. 100):

the ideology of the free market has exempted economy from public control (sometimes even influence) and thus eliminated the basis for human rights, when these are understood as an exercise of political rights to achieve economic, social and cultural rights.

Globalising access to information **has** enabled counterhegemonic forces to ensure that there is growing sensitivity to human rights. But at the same time there is also a growing inability to secure them by progressive forces in civil society. The gap between rhetoric and implementation is growing, with all the growing inequalities.

The message from both sociologists like Zygmunt Bauman and human rights lawyers like Katarina Tomaševski is that unless there is a redistribution of **resources** for implementing human rights, nothing is going to happen. It is no use spreading **knowledge of human rights** unless the resources for implementation follow, and that can **only** happen through a radical redistribution of the world's material resources.

Language shift can be 'voluntary' at an individual level: a result of more benefits accruing to the individual who agrees to shift than to someone who maintains her mother tongue. But in most cases of language shift it seems that either sticks, punishment, or carrots, economic or other benefits, have been at work - or, increasingly, ideological persuasion, hegemonic mind-mastering, meaning linguistic agents. Likewise, the choice of which languages are granted support, and of what kind, in the education system as mother tongues and foreign or second languages often follows linguistic 'free' market principles, with more benefits accruing to those who support the killer languages as both media of education and as first foreign languages in education.

If people are forced to shift their languages in order to gain economic benefits of the kind which in fact are bare necessities for basic survival, this is a violation of not only their economic human rights but also their linguistic human rights.

Violations of linguistic human rights, especially in education, may lead and have led to both ethnically articulated conflict and to reduction of linguistic and cultural diversity on our planet. But granting human rights **on paper**, even linguistic human rights, even in education, something that is hardly done today, does not help much. For human rights to be implemented, a radical redistribution of material resources on the earth is needed. With a 'free' market this is not likely to happen.

## 9. Alternatives?

Summing up, market economy, and the creation of larger and more centralized economic, administrative and political units has, despite a rhetoric of democracy and local participation, been the order of the day, in the 'first' and 'third' worlds. It also seems to be re-emerging in the former 'second' world. The socio-economic, techno-military and political, structural changes inevitably connected with the 'modernization' process cause stress on both **nature** and on **people**, their socio-economic conditions of life, and their languages and cultures (Figure 1). These processes have resulted in an accelerated **environmental degradation** (= nature under stress), and **growing gaps** between the Haves and the Have-nots (or Never-to-haves as many of our Indian colleagues say) and in **linguistic and cultural genocide** (= people under stress). Education systems, as currently run, contribute to committing this linguistic and cultural genocide.

Figure 1. Alternative responses to socio-economic, techno-military and political structural changes

### Alternative responses to changes

#### BACKGROUND REASONS

<b>Socio-economic, techno-military and political structural changes</b>
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#### RESULTS in

<b>Environmental degradation</b>	<b>Linguistic and cultural genocide</b>	<b>Growing gaps between haves and have-nots</b>
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#### CREATES STRESS UPON

<b>NATURE</b>	<b>P E O P Languages and cultures</b>	<b>L E Socio-economic conditions of life</b>
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#### THESE RESPOND, ALTERNATIVELY,

<b>THROUGH MARKETS &amp; MONOCULTURAL EFFICIENCY: Economic efficiency first priority; larger and more centralized economic and</b>	<b>THROUGH DIVERSITY: Sustainability through diversity first priority: flexible, resilient and democratic economic and political units</b>
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political units; OR	
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**WHICH RESULTS, ALTERNATIVELY, in**

<b>biodiver-sity</b>	<b>linguistic and cultural diversity</b>	<b>living conditions</b>	<b>biodiver-sity</b>	<b>linguistic and cultural diversity</b>	<b>living condi-tions</b>
<b>disappears</b>	<b>disap-pears; homogeni-zation</b>	<b>deterio-rate; polariza-tion</b>	<b>mainte-nance</b>	<b>mainte-nance, de-velopment</b>	<b>sustain-able; democra-tization</b>

(This figure is partially inspired by the flow chart in Jussila & Segerståhl 1988, p. 18).

An important priority for research would be to define policies for preservation and development of environmental, linguistic and cultural, economic and political diversity<sup>xxi</sup>. This would also include studying the role of human rights in the different responses.

Some hard-core researchers claim that wanting to preserve small languages and cultures is working against nature. It is "natural" for languages to come and go, natural in the same way as for biological organisms. Trying to maintain languages, trying to prevent what might be seen as a "natural" development, is "working against nature" and should not be done. Languages like biological species "naturally" have a life-span, including death. If everything living in nature has a life-span, everything is born, blossoms, withers away, is replaced by the next candidate - then why not languages? Let a natural order prevail! Besides, the weak (individuals and species which cannot adapt to changing circumstances, "modernization") die and the strong (those who can adapt) survive in nature.

In fact, the killing of diversity is not at all in pact with nature, as some researchers would like us to believe. Bioregionalists who try to extract basic tenets for a sustainable life both from nature and from earlier, more balanced ways of interacting with (the rest of) nature, are sure that, in order to have a chance of saving the planet, we have to

abandon the notion of controlling and remaking the world in the name of global monoculture (Sale 1996, 472).

They advocate self-reliance at the level of bioregions. Sale (1996, 475) summarizes the basic tenets of the bioregional and industrio-scientific paradigms as follows (Table 12):

**Table 12**  
**Basic tenets of the bioregional and industrio-scientific paradigms**

	<b>BIOREGIONAL PARADIGM</b>	<b>INDUSTRIO-SCIENTIFIC PARADIGM</b>
<b>Scale</b>	Region Community	State Nation/World
<b>Economy</b>	Conservation Stability Self-Sufficiency Cooperation	Exploitation Change/Progress Global Economy Competition
<b>Polity</b>	Decentralization	Centralization

	Complementarity Diversity	Hierarchy Uniformity
<b>Society</b>	Symbiosis Evolution Division	Polarization Growth/Violence Monoculture

adopted from Sale (1996, 475)

In terms of language, we can see the parallels, using our (Phillipson & Skutnabb-Kangas 199xx) adaptation of Yukio Tsuda's paradigms (Table 13). The first of these, The Diffusion of English Paradigm, is connected to capitalism, science and technology, modernization, monolingualism, ideological globalization and internationalization, transnationalization, Americanization and homogenization of world culture and linguistic, cultural and media imperialism. The second one, The Ecology of Language Paradigm, is connected to a human rights perspective, equality in communication, multilingualism, maintenance of languages and cultures, protection of national sovereignties and promotion of foreign language education. Most English as a Second Language teaching today, internally and globally, is a reflection of the Diffusion of English Paradigm. For linguistic and cultural diversity to be maintained, for the planet to have a future, an Ecology of Languages Paradigm (which also respects linguistic human rights) is a necessary (but not sufficient) prerequisite.

**Table 13**  
**Diffusion of English and Ecology of language paradigms**

**The diffusion of English paradigm**

- capitalism
- science and technology
- modernization
- monolingualism
- ideological globalization and internationalization
- transnationalization
- Americanization and homogenization of world culture
- linguistic, cultural and media imperialism

**Ecology of language paradigm**

- human rights perspective
- equality in communication
- multilingualism
- maintenance of languages and cultures
- protection of national sovereignties
- promotion of foreign language education

Yukio Tsuda, Keio Communication Review, 16, 49-61, 1994

One of the richest men in the world, George Soros, who has made a fortune in the financial markets, thinks that "the untrammelled intensification of laissez-faire capitalism and the spread of

market values into all areas of life is endangering our open and democratic society. The main enemy of the open society ... is no longer the communist but the capitalist threat" (1997, 45). Soros (1998, p. 27) also says: "Markets reduce everything, including human beings (labor) and nature (land), to commodities. We can have a market economy but we cannot have a market society."

We have the knowledge needed to choose intelligently. Information technology could be used for spreading this knowledge, instead of mass media spurring out the mental nerve gas of consumerism and Macdonaldization.

At present, though, while we can **hope** that some of the positive developments might have **some** effect, overall there is not much cause for optimism. My conclusion is that we still have to work for education through the medium of the mother tongue to be recognized by states as a human right. And if this right is not granted, and implemented, it seems likely that the present pessimistic prognoses of over 90% of the world's oral languages not being around anymore in the year 2100, **are too optimistic**.

## 10. Conclusions

'For the purpose of living one has to assume that the personality is solid, and the 'self' is an entity, and to ignore all contrary evidence', E.M.Forster wrote in 1939, in his article 'What I believe' (1951: 76). Part of this solid entity is your 'landscape'. My languages will always be Finnish and Swedish, my mother tongues, regardless of how many other languages I learn and use and regardless of the fact that I have used other languages more than them during the last decades. My country is and will for ever be Finland, despite the fact that I do not live in Finland. But my country is not necessarily a concrete space - it is a mental community of solidarity. My country is also the planet. A prerequisite for world citizenship is in my view that you are firmly anchored in one or some localities and landscapes, and one or some languages and cultures which you really feel are yours, which you really fully inhabit. That you know who who are, where you come from, where your ancestors came from. You have to have a mental centre from which your solidarities can then start radiating outwards, towards larger and larger circles, until you may embrace the whole world, the planet, and the universe, first selectively, then fully.

There is also supposed to be another type of global citizenship, that of the mobile free-floating post-modernist nomads. In my view these nomads are a fiction, created to hide the enforced rootlessness that is promoted by the capitalist, neoliberalist, consumerist life-style, the Macdonaldization, that is glorified in the media.

Indigenous peoples, representatives of those most threatened languages, have always formulated the connections between our manyfold environments very aptly, strongly and beautifully:

The Okanagan word for "our place on the land" and "our language" is the same. We think of our language as the language of the land. This means that the land has taught us our language. The way we survived is to speak the language that the land offered us as its teachings. To know all the plants, animals, seasons, and geography is to construct language for them.

We also refer to the land and our bodies with the same root syllable. This means that the flesh that is our body is pieces of the land that came to us through the things that this land is. The soil, the water, the air, and all the other life forms contributed parts to be our flesh. We are our land/place. Not to know and to celebrate this is to be without language and without land. It is to be dis-placed (Armstrong 1996, 465-466).

I know what it feels like to be an endangered species on my land, to see the land dying with us. It is my body that is being torn, deforested, and poisoned by "development". Every fish, plant, insect, bird, and animal that disappears is part of me dying. I know all their names, and I touch them with my spirit (ibid., 470).

In our times, unity is achieved through diversity. Pluricultural, multiethnic, and multilingual societies rise. The states that don't accept this trend are opting for conflict (1993 Annual Report of the Chilean Commission on Indigenous Peoples (CEPI), quoted in Ekern 1998, 4).

Summing up, then: linguistic (and cultural) diversity are as necessary for the existence of our planet as biodiversity, and all three are related. We as humans are just one part of the planet and the planet's diverse inhabitants as Jeannette Armstrong so beautifully describes it in the quote. Linguaging the planet, using, maintaining, developing further, and cherishing the languages which have, after all, developed to describe **specific** lands and environments and peoples and their cultures, necessarily has to be done in **localised** ways, in addition to studying the universal aspects of each language and global human experience. Acknowledging this should make people work against those aspects of globalisation which are killing **all** aspects of diversity, including linguistic diversity. Human rights could be part of that work, but they are at present powerless as a corrective to the market forces and to growthism. Governments which do not only accept but indeed support diversity and localisation are going to be in trouble very soon.

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i **RACISM, ETHNICISM & LINGUISTICISM:** "ideologies, structures and practices which are used to legitimate, effectuate and reproduce an unequal division of power and resources (both material and non-material) between groups which are defined on the basis of "race" (biologically argued racism), ethnicity/culture (culturally argued racism: ethnicism) or language (linguistically argued racism: linguicism' (Skutnabb-Kangas; originally 1986).

ii In McDonalidization, products and information produced for global markets aim at creating "global customers that want global services by global suppliers". This is achieved through "aggressive round-the-clock marketing [in which] the controlled information flows that do not confront people with the long-term effects of an ecologically detrimental lifestyle, the competitive advantage against local cultural providers, the obstruction of local initiative, all converge into a reduction of local cultural space" (Hamelink 1994, 112).

iii For important analyses of the invalidation of sign languages, see Branson & Miller 1989, 1993, 1995, 1996, 1997, in press; for a concrete example from Hungary, see Muzsnai, in press.

iv One example of the variation. Michael Krauss estimates that the number of (oral) languages in prehistoric times was probably around 10-15,000 whereas Mark Pagel's estimated (quoted in Ostler 19xx, xx) is 31,000-600,000, with a middle estimate of 140,000.

v The so far most reliable listing of the world's oral languages are to be found in the

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**Ethnologue** (see Grimes 1992); the latest estimates can be found in the 13th edition on the Web: <http://xxx>).

vi From now on I will drop 'oral': every time I say 'languages' or 'population', I mean 'oral languages' and 'oral population' unless otherwise stated - I hope I have made the point about invisibilising sign languages.

vii 'engco' stands for The English Company - see Graddol 1997, 64 and the Internet site <http://www.english.co.uk>.

viii Crystal 1997 has Rwanda on his list whereas de Varennes (1996, 436) quotes the Constitution, Art. 5: 'The national language is Kinyarwanda. The official languages are Kinyarwanda and French.'

ix Crystal (1997) does not have Somalia, neither does de Varennes (1996, 441) who quotes the Constitution, Art. 3.2:

2. Somali is the language which all Somalis speak and through which they recognise each other, Arabic is the language which links the Somali people with the Arab nation, of whom they are an integral part, and the two languages shall constitute the official languages of the Somali Democratic Republic.

On the other hand, according to Kaplan & Baldauf 1997, 337, Somalia has 4 official languages: Somali, Arabic, Italian and English.

x De Varennes (1996, 445) quotes the Constitution, Art. 18:

1. The official language of Sri Lanka shall be Sinhala.
2. Tamil shall also be an official languages.
3. English shall be the link language.

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xii Terralingua is a nonprofit international organisation devoted to preserving the world's linguistic diversity and to investigating links between biological and cultural diversity (President: Luisa Maffi; Web-site: <http://cougar.ucdavis.edu/nas/terralin/home.html>).

xiii For empirical evidence and an excellent discussion of the complexities of assessing these correlations, see Harmon 1995.

xiv Using the term 'idiom' (rather than 'language') signals that it really means 'what the parents speak (or sign)', regardless of whether this is called a language, a dialect, a sociolect, a vernacular, or whatever - it does NOT need to be the standard or official language of the area/country or the return in census, or be written.

xv For historical accounts, see Skutnabb-Kangas & Phillipson 1994, xx.

xvi These were Armenia, Australia, Austria, Belarus, Bulgaria, Canada, Cape Verde, Croatia, Czech and Slovak Federal Republic, Denmark, Estonia, Finland, Greece, Guatemala, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Malawi, Moldova, Morocco, Netherlands, Norway, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, Samoa, Slovenia, Sri Lanka, Sweden, Tadjikistan, Ukraine and United States of America.

xvii Dansk Folkeparti (Danish People's Party), with Pia Kjærsgaard as chair.

xviii One reason not discussed here is of course that even basic human rights do not apply to all humans, and very clearly not to most of those who are speakers of the most threatened languages.

When the UN Universal Declaration of Human Rights was accepted, UN consisted of only 51 states, as compared to the present number of close to 200 states. But only a minority of the individuals living in those states were deemed "human" in the sense that the Universal Declaration should apply to them - the human beings in colonies and dependent territories were not "human", according to the vote in UN. In the same sense, migrants are not human today, according to Katarina Tomaševski (1997) - they have very few human rights and certainly no

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binding linguistic rights.

xix Bauman claims (1997) that if the globalisation of information levels out cultural differences and cultures in general, a policy of fragmentation implied in localisation on the other hand may favour differentiation. You can have whatever cultural values but still get Western tanks, computers, etc. There is a lack of cohesion, illogicality, in the policy.

xx The concept "human rights" is often used in international relations arbitrarily and selectively by "donor" governments so as to attempt to trigger "democratic" elections or to sanction states that commit gross human rights abuses; in effect it is used as a political tool rather than a rigorous concept rooted in international law (Tomaševski 1997).

xxi There are caveats, though. There are no longer any 'bad' or 'good' solutions, only relatively better or worse solutions. Both the bipolar possibilities (either **universality** (universal ideas, ideologies, solutions) or **tolerance of diversity and pluralism**) have certain benefits and certain dangers, according to Baumann (1997). Believing in 'universal truths' (like 'communism' or 'capitalism' or 'free market') can in the worst case lead (and has led) to genocides. 'Tolerance' can also lead to tolerating genocide without doing anything (e.g. Bosnia, Nigeria). 'Tolerance' can also be expressed in demands for autonomy of choice, in an individualistic neo-liberal way, in consumer societies, where any kind of restrictions or limits are seen as negative. This might also include the prevention of any kind of positive intervention to achieve the 'regulated context' which Grin (this volume) sees as necessary for harnessing market forces for preservation of at least some linguistic diversity.