

64. Skutnabb-Kangas, Tove (2002). Marvellous human rights rhetoric and grim realities - language rights in education. *Journal of Language, Identity, and Education*, inaugural volume 1:3, 179-205.

"At the end of 2000, Papua New Guinea was providing kindergarten ... and Grades 1 and 2 in some 380 indigenous languages, plus Pidgin. There are plans to introduce a further 90 languages this year... [C]hildren *become literate* more quickly and easily in their mother tongues than they did in English. They also appear to *learn English* more quickly and easily... At the end of 1998, the results of Grade 6 examinations in the three provinces which began reform first in 1993 were much higher than results of students from provinces where students were immersed in English from Day One of Grade One. Access is increasing because many parents now appear more willing to send their children to school and make the sacrifices necessary to keep them in school. Dropout has decreased. In particular, a higher proportion of girls are in school than was previously the case." (Klaus, forthcoming).

"Globalization is creating a world of powerless places at the mercy of placeless powers." (Wackernagel & Rees 1995).

1. Killer languages and linguistic genocide in education

My question in this article¹ is: can a human rights approach to language planning and policy promote educational equity for diverse student populations? After claiming that most of present indigenous and minority education in the world fits the UN definitions of linguistic genocide (UN International Convention on the Prevention and Punishment of the Crime of Genocide, E793, 1948), turning dominant languages into killer languages, I propose to 1: assess to what extent governments show respect for human rights, by ratifying human rights documents; 2: discuss some aspects of implementation, first presenting some government claims and then assessing government claims on national and immigrant minority education; and 3: present some more concrete examples, first discussing one state's performance (Sweden), and then finishing with an imagined example of a community trying to force the government to implement LHRs in education.

The initial quotes show that at least initial mother tongue medium (hereafter MTM) education has been possible to organise in a country with very high numbers of languages, each with very few speakers. Papua New Guinea has a population around 5 million and is, with well over 800 languages, the country with the largest number of languages in the world. In fact the median spoken languages in the world probably have some 5-6,000 speakers (Posey, 1997).

The most important linguistic human right (LHR) for maintaining the world's linguistic diversity is the unconditional right to MTM education. I also assert that denial of this right is the most important *pedagogical* reason for lack of literacy in the world—of course, there are economic and other reasons, too. The maintenance of linguistic and cultural diversity on earth presupposes that parents can transfer their language(s) to their children. Earlier, this took place exclusively through the informal education systems of the families and communities, as it still does in societies where children do not commonly attend school. When most children start receiving

formal education by attending school, it is easy to predict that if indigenous or minority children are mainly educated through the medium of a dominant (often official) language, it is unlikely that they will continue to speak their own language once they are adults to their children (see Janulf, 1999 for an empirical study). Thus, their language is not transferred, and the children are "forcibly transferred to another group" (see the UN genocide definitions below). Schools and the media, followed by the world's economic, military, and political systems, are the main agents in this linguistic genocide. As Joshua Fishman has pointed out many times, schools can not save languages by themselves, but they can be the primary agents of killing a language in one or two generations. As a result, realistic predictions for the future are pessimistic. Ninety percent of today's spoken language may be dead or moribund (= no longer learned or spoken by children) around the year 2100 (see Krauss, 1992; 1995); we have no corresponding predictions for the prospects of sign languages.

Children should learn new languages, including the dominant languages which most minority children obviously want and need to learn, in addition to their own languages. Formal education, which is subtractive, i.e. which teaches children (something of) a dominant language at the cost of their first language, is genocidal, and turns dominant languages, for instance English, Chinese, Russian, Hindi, or Hausa, into killer languages. Educational LHRs, which guarantee additive language learning, are needed for preventing linguistic genocide and for linguistic diversity to be maintained on earth.

Proponents of monolingual instruction in killer languages, such as English, often use economic arguments when trying to show that MTM education is completely impossible. They often depict MTM instruction as a naïve, romantic dream of misled and misleading linguists/educationists. They contend that poor African or Asian countries cannot afford to teach in dozens, even hundreds, of languages; it is cheaper to teach in one only, preferably English (see Skutnabb-Kangas, 2000a for some examples of this argumentation). The example above from Papua New Guinea proves them wrong, as do many other less dramatic examples of good practice. Today's discussions around the arguments against MTM education are to a large extent a tedious repetition of the debates after the publication of UNESCO's *The Use of Vernacular Languages in Education* (1953). The economic reasons for NOT organising proper MTM education are globally a fraud. It is perfectly possible to adopt "rational, theory-based" educational language policies which "increase aggregate welfare" (from a definition of language policy in Grin, 2000, p.7). Nevertheless, exactly the opposite is happening: irrational educational language policies are adopted, i.e., policies which are against sound evidence and in contradiction with solid scientific theory about how to support, through education, high levels of multilingualism and school achievement for indigenous peoples and national, immigrant and refugee minorities² and numerically large, but politically dominated, groups; this is particularly the case in most African and many Asian countries (see Skutnabb-Kangas, 2000a for details of these claims; see Brock-Utne, 1999; Prah, 1995a, b, for Africa). These assimilationist educational policies decrease welfare and participate in committing linguistic and cultural genocide. What is happening to minority languages and their speakers in education fits the UN definitions of genocide. Specifically, Articles II (e) and (b) of the 1948 UN International Convention on the Prevention and Punishment of the Crime of Genocide note,

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

Likewise, most minority education is guilty of linguistic genocide, according to the 1948 special definition (not part of the present Convention)

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

“Prohibition” can be direct or indirect. If there are no minority teachers in the pre-schools or schools, and if the minority languages are not used as the main media of education or the use of these languages is indirectly prohibited in daily intercourse in schools, i.e., it is a question of linguistic genocide.

Assimilationist submersion education, which only allows minorities to be taught through the medium of dominant languages, causes mental harm and leads to the students using the dominant language with their own children later on, i.e., over a generation or two the children are linguistically, and often in other ways too, forcibly transferred to a dominant group (See Skutnabb-Kangas, 2000a, which provides hundreds of examples of the prohibition, the harm it causes, and the forcible transfer³).

The world's problems will never be solved with military means. Still, while the United Nations are talking about human rights and democracy, many of the world's governments place the money in military spending rather than health and education⁴. Human rights have become today's mantra, instead of, or in addition to, gods and science; they are used as criteria for evaluating the performance of states, but very selectively (Tomaševski, 1997a). MTM education is undoubtedly a linguistic human right - but few indigenous peoples and minorities enjoy this right.

Using the international human rights (HRs) system *might* be one way forward in protecting diversities in a globalised, “free market” world. Instead of granting market forces free range, HRs, especially economic and social rights, are to act as correctives to the free market, according to human rights lawyer Katarina Tomaševski (1996, p. 104). The first international HRs 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 a commodity. Tomaševski states that “The purpose of international HRs law is ... to overrule the law of supply and demand and remove price-tags from people and from necessities for their survival”(1996, p. 104). 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, including LHRs. At the moment, many states are denying the HR of access to free and compulsory education by putting price tags on it. Several countries have introduced school fees for basic primary education in the last decade or two, often prompted by World Bank's and International Monetary Fund's structural adjustment demands, a fact strongly criticized by the United Nations' Special Rapporteur on the right to education, Katarina Tomaševski (2000). Even in other ways, these necessary rights are not being respected nor implemented by governments today; as we see in section 2, education through the medium of the mother tongue is not today a human right.

2. Do governments respect human rights? Is there anything to respect?

Many governments applaud human rights, as long as they can define them according to their own cultural norms, and many governments demand that HRs be respected--at least by other countries. However, one can gauge the seriousness of governments in claiming respect for HRs by checking to what extent they themselves have ratified international instruments of HRs. Ratification signifies that a country promises to respect the rights in the documents it has signed--the human rights instruments--

and to amend its domestic legislation accordingly. Of course, implementation then needs to follow (see sections 3 and 4). There are many examples of countries which have signed and ratified several HRs instruments but, nevertheless, violate many basic HRs in their practice.

If a state claims that the rule of law is important, its own laws should be amended so as to conform to HRs requirements. Ratification of human rights instruments can be used as a proxy for assessing respect for human rights and can also be a precondition for asking other countries to respect HRs. UNESCO's most recent status report "concerning the state of ratifications, successions and adhesions to human rights instruments" (2000, p.3, published by its Division on Human Rights, Democracy, and Peace), indicates which countries, among the 193 listed, had ratified (by 31 May 2000) any of the 52 *Universal Human Rights Instruments*. Interestingly enough, UNESCO does not give the figures for how many instruments each of the 193 countries has ratified—the figures might be embarrassing for some countries. However, the instruments can easily be counted from the information given (see Skutnabb-Kangas, in press b; see also Skutnabb-Kangas, 2000a for earlier counts). Here I only provide the general order of the countries, in which Norway leads with 44 ratifications, and the four final countries have only ratified one each. This could be seen as a form of *Respect for Global Human Rights Olympics* (see Table 1, where I have bolded the names of some of the countries which are mentioned as examples in this article).

Table 1. States listed on the basis of how many of the 52 Universal Human Rights Instruments they had ratified by 31st May 2000

<p>Norway, Bosnia and Herzegovina, Croatia, Denmark, Finland, Netherlands, Sweden, Hungary, Italy, Spain, Australia, Germany, Poland, Slovak Republic, Slovenia, United Kingdom, Argentina, Cyprus, Ecuador, Guinea, Macedonia (The former Yugoslav Republic of), Romania, Russian Federation, Senegal, Tunisia, Yugoslavia, Costa Rica, Austria, Belarus, Bulgaria, Czech Republic, France, Greece, Guatemala, Latvia, Niger, Philippines, Algeria, Azerbaijan, Belgium, Bolivia, Brazil, Cuba, Egypt, Iceland, Luxembourg, Malta, Portugal, Ukraine, Uruguay, Venezuela, Zambia, Chile, Ireland, Libyan Arab Jamahiriya, Mali, Nicaragua, Barbados, Jordan, Kyrgyzstan, Peru, Seychelles, Albania, Côte d'Ivoire, New Zealand, Uganda, Burkina Faso, Ethiopia, Israel, Jamaica, Mexico, Switzerland, Yemen, Cameroon, Canada, Colombia, Panama, Togo, Antigua and Barbuda, Belize, Congo, Madagascar, Malawi, Mongolia, Morocco, St. Vincent and the Grenadines, Tajikistan, United Rep. of Tanzania, Armenia, Chad, Georgia, Ghana, Guyana, Lesotho, Sri Lanka, Zimbabwe, Central African Republic, Dominican Republic, Estonia, Moldova (Republic of), Nigeria, Rwanda, South Africa, Burundi, Cambodia, Iraq, Kuwait, Lithuania, Paraguay, Sierra Leone, Turkmenistan, Bangladesh, Benin, Dominica, Gabon, Honduras, India, Mauritius, Suriname, Trinidad and Tobago, Turkey, El Salvador, Rep. of Korea, Syrian Arab Republic, Bahamas, Cape Verde, Dem. Republic of the Congo, Fiji, Haiti, Liberia, Mauritania, Mozambique, Nepal, San Marino, Swaziland, Uzbekistan, Botswana, Japan, Kenya, Papua New Guinea, Afghanistan, Iran (Islamic Rep. of), Lebanon, Namibia, Sudan, Angola, China, Djibouti, Liechtenstein, Pakistan, Saint Lucia, Gambia, Indonesia, Solomon Islands, Kazakhstan, Lao People's Dem. Rep., Viet Nam, Equatorial Guinea, Grenada, Guinea Bissau, Bahrain, Comoros, Monaco, Somalia, United States of America, Malaysia, Qatar, United Arab Emirates, Sao Tome and Principe, Singapore, Thailand, Myanmar, Dem. People's Rep. of Korea, Maldives, Samoa, Holy See, Brunei Darussalam, Oman, Saint Kitts and Nevis, Eritrea, Tuvalu, Vanuatu, Fed. States of Micronesia, Kiribati, Palau, Tonga, Andorra, Bhutan, Cook Islands, Marshall Islands, Nauru, Niue</p>
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Among the many interesting figures that I have counted on the basis of the UNESCO publication, note that the USA, posing as The Defender of Human Rights globally, ties with four other countries for the 161st position out of 193. The USA's number of its own ratifications of Universal HR Instruments is hardly a morally convincing record. Moreover, its record is down still from May 1998, when it held a 156th-161st position. Likewise, having only ratified 3 (21.4%) of the 14 American Regional Instruments, also listed in the UNESCO publication (2000), the USA occupies, (with 2 other countries), a shared 22-24th place out of 35. The USA does not recognise the authority of international law over U.S law, exemplified by the fact that "American representatives on the United Nations Security Council vetoed a resolution calling on all governments to observe international law," as Noam Chomsky(1991) notes (as quoted in Pilger, 1998, p. 27). Similarly, the United States was the only state which voted against the *Declaration on the Right to Development*, adopted by the UN General Assembly in 1986 (General Assembly resolution 41/128 of 4 December 1986)⁵. The Declaration "provides in its Article 8(1) that States shall undertake, at the national level, all necessary measures for the realization of the right to development and *shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education ... employment and the fair distribution of income*" (Eide,1995, p. 39; emphasis added). It is also interesting to see where the so-called "rogue states" are placed (Iran, Iraq, Libya, North Korea).

As a prerequisite to asking other states to play a fair game in the international arena, states ought to follow the commonly agreed upon rules, rather than being rules onto themselves. We need to assess all states with the same yardstick - everything else is pure power politics and against basic democracy.

If states ratify HRs instruments, what do they promise? Is there enough to "respect?" Do HRs instruments grant an unconditional access to MTM education? Having scrutinised them in many publications (see Chapter 7 Skutnabb-Kangas, 2000a book for an overview), I conclude that international and regional (African, American and European - see Skutnabb-Kangas 2001a for a comparison with Asia) binding covenants, conventions and charters give very little support to LHRs in education and that they give language a much poorer treatment than other central human characteristics. Often, language is present in the lofty non-duty-inducing phrases in the preambles of the HRs instruments, but disappears completely in educational parts of these documents. Even when language is explicitly mentioned in the Articles dealing with education, especially with the right to MTM education, the articles treat LHRs vaguely and/or contain many more opt-outs and modifications than other Articles⁶. At most, languages have negative rights (non-discrimination prescriptions) rather than positive rights. Positive rights would create obligations and contain demanding formulations whereby the states would be firm duty-holders and be obliged to act in order to ensure the specified rights. Negative rights propose, for example, to prevent discrimination on the basis of language whereas positive rights might require authorities to offer education through the medium of a minority language and to pay the costs.

There are some examples of what I consider positive recent developments, at least on paper: HRs instruments, draft instruments, recommendations, declarations or comments, and I have listed some of them in a note⁷. They provide some cautious reason for hope, but the impact of the recent positive developments in counteracting linguistic genocide in education and the killing of linguistic diversity is yet to be seen.

Of course, even for the few rights that do exist, implementation needs to follow. Without implementation, monitoring, and proper complaint procedures, many of the possibilities in the new or emerging instruments are lost. Next, we consider what the governments claim about implementation, and some aspects of what some of them, in fact, do.

3. Government claims about implementation and real implementation in practice

3.1. Assessing government claims about and attitudes towards implementation, based on government information

Ratifications are a prerequisite to ensuring LHRs, but implementation has to follow. In this section, I present an assessment of implementation. I have mainly based the assessment of government claims about implementation and of government attitudes on information given by the various OSCE governments to Max van der Stoep (OSCE's High Commissioner on National Minorities) in a large-scale inquiry about the linguistic rights of persons belonging to national minorities in the OSCE area (1999). Some of the members of the OSCE have been left out. Canada and the USA are, for instance, OSCE members, but their government replies to the inquiry were inadequate; only documents written for other purposes were sent. The countries which did not reply (Albania and Belgium), or which replied but said that they had no national minorities (Iceland, Liechtenstein, Luxembourg and Portugal), have also been excluded.

In Tables 2 and 3, I have grouped the countries in a very general way, according to to what extent they live up to *The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note from the High Commissioner*⁸ in their education of two groups: national minorities (Table 2) and immigrant minorities (Table 3). Even distinguishing between these two minorities can be explosive: are Russian-speakers in the Baltic countries national minorities (as they themselves and Russia claim) or immigrant minorities (as the host countries claim for all those who came after World War II)? I have followed the host country classification because it corresponds to most definitions of (national) minorities. Estonian, Latvian, and Lithuanian, as compared to the majorized minority language, Russian, are still in a somewhat vulnerable position as minorized majority languages (Druviete, 2000; Ozolins, 1999; Rannut, 1999; Skutnabb-Kangas, 1994).

In my assessment, I have grouped the countries in three categories. Category 1 represents at least some degree of alignment with the Hague Recommendations, and at least some, if transitional, MTM education for all or most minorities in state schools. Category 2 countries have, at the most, some early-exit transitional MTM education for some minorities, but mostly minimal teaching (which is not guaranteed as an unconditional right) of mother tongues as subjects. In category 3 countries, there is outright denial of the existence of some minorities, and either no mother tongue subject teaching, or a risk of it being abolished at any time. Countries categorized with a question mark (?) did not provide enough information for them to be classified. The information about specially immigrated minorities is completely insufficient in some replies. In these cases, I have used additional sources for the assessment, especially for countries with sizeable immigrant minorities. In the Tables, European Community countries have been marked with an asterisk (*) for the analysis below.

Table 2. Assessment of implementation of the OSCE Hague Recommendations; traditional national minorities

Rank
1. Austria*, Croatia, Czech Republic, Denmark*, Estonia, Finland*, Germany*, Hungary, Ireland*, Italy*, Latvia, Lithuania, Macedonia, Moldova, Netherlands, Norway, Romania, Russian Federation, Slovakia, Slovenia, Spain*, Ukraine, United Kingdom*
2. France*, Sweden*, Switzerland ⁹

3. Greece*, Turkey ? Bulgaria, Cyprus, Malta

Table 3. Assessment of implementation of the OSCE Hague Recommendations; immigrated minorities

Rank
1. Estonia, Latvia, Lithuania
2. Finland*, Netherlands*, Norway, Sweden*
3. Austria*, Denmark*, France*, Germany*, Italy*, Spain*, United Kingdom*, Greece*, Switzerland
? Bulgaria, Croatia, Cyprus, Hungary, Ireland*, Moldova, Macedonia, Malta, Romania, Russian Federation, Slovakia, Slovenia, Czech Republic, Turkey, Ukraine

Originally, I had intended to use more of the government information ¹⁰. This was impossible, though, because the government replies in many cases did not differentiate

- between (national) minority languages and foreign languages;
- between teaching through the medium of a language ("in a language", in the report's terms) and teaching a language as a subject (teaching "of a language" in the report's terms);
- between traditional national minorities and minorities who have immigrated to these countries (during or soon after the Second World War¹¹, or more recently); even refugees and short-term visitors.

Sadly, this shows a fair degree of ignorance about both basic language rights and educational issues. Many governments also "need to be better aware of the content of the international standards in these various areas" as Max van der Stoep diplomatically puts it in his conclusions (1999, p.37).

In the European Union (EU) enlargement process, one of the criteria for new countries to be admitted is their human rights and minority rights record. The first 6 aspiring countries to join the EU will be the Czech Republic, Cyprus, Estonia, Hungary, Poland and Slovenia; the rest are still negotiating. Here we can see that of these three country types (EU members, closest aspirants, countries negotiating about membership), all are represented in the highest category in relation to national minorities, whereas EU member countries are almost alone in the 2 lower categories. In relation to the three categories for immigrated minorities, the 3 Baltic countries are alone in the top category. If other non-member states of the Council of Europe from the earlier USSR had been included in the evaluation, most of them would also have made it to the top category. The second category consists of the Netherlands and three Nordic states, excluding Denmark, where even the scant "mother tongue as a subject" instruction has repeatedly faced suggestions of being scrapped completely, even today, at the beginning of 2001. If one is born in Denmark, one's mother tongue is Danish, according to the vice-chair of the Social Democrat Party, Lene Jensen (reported in the Danish daily newspaper **Information**, 10 September 2000). Most of the EU member states are in the bottom category.

It seems, then, that implementation of legally guaranteed provisions is taken more seriously in non-EU-member states. Canada would be placed in category 1, and the USA in category 3, for national minorities, if one excludes indigenous peoples, that is. If they were included, both countries would be ranked in category 3 (even if Canada is doing much better for a few of them than the USA). Both countries would also fall into category 3 for immigrant minorities.

So far we have compared respect for legal instruments with government claims (i.e. not practices) about implementation. We could also compare claims about implementing legal instruments with the attitudes of governments, attitudes inferred from their replies to the OSCE

questionnaire and other official documents. Even in the government replies, one can see both convergence and divergence of attitudes with the legal provisions. The convergence can be both negative (e.g., Turkey or Greece: few or no rights for linguistic minorities, openly negative attitudes) and positive (e.g., Hungary: excellent rights, positive attitudes¹²). The divergence can also be positive and negative, but it is more risky to generalise here (e.g. Britain: some positive rights but some negative government representative attitudes; or positive formulation of attitudes but few factual rights, e.g. Sweden, as shown below).

The more knowledgeable one is about the conditions in various countries, the more one may be surprised when reading what some governments claim about their own performance. Governmental statements about their performance require detailed empirical validation. The results of this empirical investigation might - or might not - be surprising to the governments themselves. Below, I quote a few extracts from government replies from the Annex to van der Stoep 1999. I have added a few comments (in italics) to some replies. The replies show that there is a long way to go, in terms of awareness of language rights.

In principle, the members of the three latter groups [Frisian, Sinti, Roma] speak German in their contacts with the authorities, i.e. the language spoken by all involved. This is so not least in order to rule out misunderstandings which may be caused by translations (reply to question 2, Germany). *It is not likely that translation would cause more misunderstandings than no translation.*

The members of all the four above groups [Danish, Sorbian, Frisian, Romany] speak German so there are not any language problems (reply to question 3, Germany). *German is not the mother tongue of the groups - therefore there may be language problems.*

In public administration, the Government's policy is to deal with Irish speakers on a basis of courtesy and respect for the linguistic preference. People writing to northern Ireland Departments in Irish will have their letters translated and will receive a reply (in English) in the normal way. However, it is not the Government's policy to move towards a bilingual administration. This could be politically **divisive** and would undermine progress in recent years in extending interest in the Irish language to the wider Northern Ireland Community (reply to question 1, UK). *Is it "courtesy and respect for the linguistic preference" to reply in the language that people have NOT preferred to use? How can using a language that people understand be divisive? Compare this with Norway and Hungary below - and then Sweden in section 3.2:*

... any person who contacts a local public body in the administrative area in Sami language has the right to get a reply in Sami (reply to question 2, Norway).

The State recognizes the minority languages as a major **cohesive** factor for their communities (reply to question 1, Hungary). (emphasis added).

Persons belonging to the Muslim minority in Thrace come from three different ethnic groups (muslims of Turkish, Pomak and Roma origin). There exist no national or other minority in Greece ... Pomak and roma languages are not taught because they do not exist in written form ... The Greek State spares no effort in upgrading the cultural standards of the minority. (from the reply of Greece). *I have texts in both Pomak and Romani in my library. Maybe the cultural standards could be "upgraded" more in the minorities' own languages?*

When we look at which minority groups have good protection, it is clear that some groups are, in terms of both the ratifications and implementation, more or less outside the rights system in most or all countries. Three groups are noteworthy. First, although the Roma/Sinti have recently had some international and European attention in human rights circles, no country has granted the Roma any educational language rights in binding human rights instruments. No country has included Sign languages¹³ among the languages in the **European Charter for Regional or Minority Languages** (hereafter the European Charter; see section 3.2), despite the fact that Sign languages fulfil all the definitional criteria¹⁴. The Kurds (see Skutnabb-Kangas & Bucak, 1994 for the lack of their language rights), a nation larger than most official language groups in the EU, are hundred percent invisible in all the instruments and ratifications and in the Turkish replies.

The intense discussions in Europe about the enlargement of the European Union usually focus on the requirements, such as those for human rights, that the aspiring countries are asked to fulfil. This important discussion, of course, must continue, but a heavy element of western hypocrisy characterises some of it at times. Following the pattern set by demands for minority protection in connection with the Peace Treaties after the first World War, western countries again demand more from eastern and central European countries than they are prepared to grant to all corresponding minorities (including immigrant minorities) themselves (see Skutnabb-Kangas & Phillipson, 1994 for examples). Therefore, in addition to the conditions for external enlargement, we also need to discuss internal enlargement, where the scope of educational language rights is enlarged in the present EU countries which do not yet fulfil the requirements that we pose to the aspiring countries. This is equally true at an international level - many of the "rogue countries" have ratified more human rights treaties than, for instance, the USA.

Implementation needs to follow everywhere. If this is not done, we will probably see two developments. Firstly, we will see growing discontent because of the unequal societal treatment of ethnic minorities. This inequality may lead to the use of less than democratic means, when all other strategies have been tried in vain, to achieve at least some equality. Secondly, strong extreme right wing parties, sometimes close to neo-nazi ideologies, will be strengthened - the tendencies in the West are already worrisome. As a less than wise partial reaction to this, we are already experiencing a general move towards the political right, including overt expressions of xenophobic and sometimes racist opinions, even by social democratic parties. Democracy in all Europe and other parts of the West is threatened by these developments. Similar developments can be seen all over the world. Granting linguistic human rights is not the problem, but part of the badly needed solution.

3.2. Sweden: an example

I will now concretize the worrisome developments that are undermining the human rights system, even when ratifications may be in place, using Council of Europe's **European Charter for Regional or Minority Languages**¹⁵ (22 June 1992, in force since 1 March 1998) as an example. Sweden is an example of how little a country, claiming to support minorities, can do in implementing the Charter (the example comes from Skutnabb-Kangas & Phillipson, 2001). Many outsiders see Sweden as a country that respects human rights and works intensely for them in other parts of the world. Sweden also ranks highly in terms of its human rights instruments ratifications (see Table 1), but falls into category 2 in its implementation for both national and immigrant minorities in my assessment (Tables 2 and 3).

The European Charter is the first international law instrument devoted only to languages. The important Article for our purposes here is again the education Article 8, specifically the right to MTM education at

- (a) pre-school,
- (b) primary school,
- (c) secondary school,
- (d) technical and vocational school and
- (e) university and higher education levels.

There is a sliding scale in the Charter going from (i) to (iv), which can be exemplified in relation to primary education, (b), from Education Article, III 8:

1. With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State: [...]
 - b
 - i to make available primary education in the relevant regional or minority languages, or
 - ii to make available a substantial part of primary education in the relevant regional or minority languages; or
 - iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient.

All other provisions follow the same pattern for the first subparagraph (i), which is *education through the medium of the language*. For pre-school, secondary and vocational levels, (ii) is, as above, *a substantial part of the education through the medium of the relevant language*, whereas (ii) at university level only offers teaching in the languages as subjects.

For secondary and vocational levels, (iii) is the same as above for primary education, *teaching of the language as a subject*, whereas (iii) for pre-schools only suggests that the state should “apply some of the measures” and is identical with (iv) for primary education. For pre-schools and universities, (iv) makes only a vague commitment to “encourage and/or allow” some study if none of the other provisions apply.

Sweden has signed and ratified the **European Charter** for the following languages: “Sami, Finnish and Meänkieli (Tornedal Finnish) are regional or minority languages in Sweden. Romani Chib and Yiddish shall be regarded as non-territorial minority languages in Sweden when the Charter is applied” (from Sweden's ratification, February 2000) Sweden does not grant any educational rights whatsoever to speakers of Romani or Yiddish, whereas the other three languages all have the same rights. The only provisions in Article 8 which guarantee *mother tongue medium teaching* fully or to some extent, are (i) and (ii) for pre-schools, primary, secondary and vocational education, and (i) for universities. Sweden has not chosen any of these provisions for any of the languages. Likewise, *teaching minority languages as a subject* is for primary, secondary, and technical education in alternative (iii) and for universities provision (ii). For pre-schools it does not exist. Sweden has not offered this provision to any of the languages, either.

One might argue that the positive provisions are impossible to implement for “small” languages, but here we can compare Sweden with Finland. The number of Swedish speakers in Finland is under 6% of the population, and probably comparable to the number of Finnish speakers in Sweden. Although the Swedish language in Finland is not officially a minority language, Swedish has the same rights as Finnish, the majority language. Nevertheless, Finland has ratified the Charter for Swedish, choosing maximal provision, (i), for all the educational levels a) to e) discussed here. Swedish in Finland thus has maximal rights. However, Finnish in Sweden in the Swedish ratification of the Charter has no guaranteed right to mother tongue medium education or the teaching of the language

as a subject. The law on national minorities, following the Swedish ratification (Prop. 1998/99: 143: 6-10), does not mention language rights in schools at all - only pre-schools and the care of the elderly. The law gives pre-school children, in four municipalities for Saami and five municipalities for Finnish and Meänkieli, some rights to at least partial mother tongue medium care, but no rights in the rest of the country where the bulk of the Finnish speakers live (see also Huss & Spiliopoulou, 2000; Lainio, in press). As stated above, primary, secondary, vocational and university education are not even mentioned in the relevant law. The report on implementation of the ratification by the Swedish Board of Education (Skolverket, 2001) is slightly critical in a few places, but the suggestions contained in the report do not amount to much more in terms of rights, either. Getting a written reply from the authorities in the designated minority languages, even in those few municipalities where the languages have maximal rights, is conditional and can be refused (Prop. 1998/99: 143; 7, 9). Compare this with Britain and Norway in section 3.1. A comparison with other countries that have ratified the Charter shows that Sweden lies fairly low, having chosen fewer positive options (see Skutnabb-Kangas, in press b, where I have summarised the details in table form).

We could also compare the ratifications of Sweden and Finland in relation to the Saami language(s). There are fewer Saami in Finland than in Sweden (Finland around 7,500, Sweden over 15,000; Aikio-Puoskari & Pentikäinen, 2001, p. 5). Finland has chosen the maximum, provision (i), for pre-schools and for primary and secondary education and provision (ii) for vocational and university education. Sweden has chosen the lowest provisions, (iv) and (iii), respectively, for Saami.

Much official rhetoric of the EU and its member states endorses a commitment to linguistic diversity, but in practice, many of the member states are perpetuating linguistic hierarchies in ways that counteract multilingualism and linguistic diversity and represent a threat to many languages. Swedish official HRs policies look deceptively good, but even if linguisticism is in operation here in sophisticated rather than brutal ways, they conform to this European (and Western) pattern. Based on the UN definitions presented above, many states try to make it seem as if they are respecting the educational LHRs of children, while participating in linguistic genocide. The USA does not even pretend to respect LHRs in education.

3.3. Minority parents arguing about implementation with an unwilling imaginary European state - an imagined scenario

But how can states do this "non-implementation" and still claim to respect human rights? I will give an example of how an imaginary European state might wriggle out of its duties in relation to MTM education by using a combination of mostly legal arguments (some of the concepts behind the arguments are discussed at length in Skutnabb-Kangas, in press c, forthcoming). The participants in our drama are an imaginary state, **STATE**, minority parents from minority group **MIN**, and three researchers, a **HRs lawyer**, a **linguist** and an **educationist**. Sweden, by the way, is NOT the imaginary state, even if there are certain similarities. This is how the imaginary story could go¹⁶:

1. **STATE** says they want to ratify the European Charter, but claims that they have no minorities.
2. In comes the clever **HRs lawyer** and says: group **MIN** objectively fulfils all the criteria for being a minority. An example of a valid definition of a minority is the following:

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

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

To belong to a minority shall be a matter of individual choice (from Skutnabb-Kangas, 2000a, p. 491¹⁷).

In addition, most members of group **MIN** are citizens of **STATE**. The **lawyer** reminds **STATE** of Article 27 of UN's International Covenant of Civil and Political Rights, the article that still grants the best binding protection for 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.

The customary reading of Art. 27 interpreted it as

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

The UN Human Rights Committee's General Comment on Art. 27 from April 1994 re-interprets Article 27 as

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

The **HRs lawyer** points out that **STATE** thus has to accept group **MIN** as a minority.

3. **STATE** accepts what the **HRs lawyer** says, ratifies the European Charter, specifies minority **MIN** as one of the beneficiaries, and passes a new minorities law to implement the Charter.
4. A group of **MIN** parents in **STATE** now want to have MTM education for their children. They refer to the ratification, and the new law.
5. **STATE** replies: "Even you are a minority, minorities do not have any rights in Article 27; only individuals have rights. The beneficiary is not 'the minority' but 'persons belonging to ethnic, religious or linguistic minorities.' Besides, Article 27 grants only negative rights anyway."
6. First, the **HRs lawyer** reminds **STATE** that the UN General Comment above imposes positive rights on the state.
7. Then, in comes the clever **linguist** and says: "but individuals mostly use a language together with other people. It makes no sense to use a language alone. Therefore these individuals must have rights *together*, i.e., collective rights?"
8. **STATE** says: "No no, we have taken care of the fact that languages are used with other people because Article 27 says 'in community with other members of their group.' But it is still only the individuals, the 'persons belonging to ethnic, religious or linguistic minorities,' who have the right."
9. In comes the clever **educationist** and says: "OK, but then if these are individual rights as you say, every individual must have the right to use their language as the medium of education? Right?"
10. **STATE** says: "No, no, they have the right only 'in community with other members of their group', but in that classroom there are also individuals who speak the official language, so your children as

individual are not ‘together with other members of their group’ only, and the official language speakers in this country have a legal right to have education through the medium of their own language. Therefore, the education in this class has to be through the medium of the official language.”

11. In comes the **HRs lawyer** again, and reminds *STATE* of the fact that they have chosen for primary education a paragraph, b(iv), from the Education Article 8 in the European Charter which obliges the state to “apply one of the measures provided for under (i) to (iii) above at least to those pupils whose families so request and whose number is considered sufficient.” The families have so requested, there is a sufficient number for a whole class, and they want (i) to be applied. (i) says: “make available primary education in the relevant regional or minority languages.”
12. **STATE** says: “It is up to us to choose which of the measures (i) to (iii) we can apply. We have chosen (iii) which says: ‘provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum.’ We would very much like to organise the teaching of your mother tongue for your children as a subject, but we do not consider the numbers sufficient.”
13. The **MIN** parents are about to give up. They ask: “Do we, then, as an accepted linguistic minority, not have any rights?”
14. **STATE** says: “No, you don't! Only languages have rights, not minorities.” **STATE** quotes from paragraph 11 from the European Charter's Explanatory Report:

The charter sets out to protect and promote regional or minority **languages**, not linguistic minorities. The charter does not establish any individual or collective rights for the **speakers** of regional or minority languages.' (emphases added).

15. The **MIN** parents give up... or do they?

This is of course a scenario which would go completely against the spirit of the European Charter and against interpretations of HRs law by what used to be the UN Human Rights Committee. However, they have no power to enforce theirs, no sanctions except shame in the eyes of the international community. The Expert Committee, monitoring the implementation of the Charter, might also object. Still, it is perfectly possible to argue this way.

Many states go to great length in order to avoid granting collective rights, which most seem to see as dangerous. If it is a collectivity that has rights, then the collectivity might use them to demand some kind of self-determination, however little, such as a bit of cultural autonomy, like the right to MTM education paid for with their own tax monies. It seems to be a really great loophole for the unwilling states to have a Charter that grants the rights to the languages as the beneficiaries rather than to the people who speak them, at least certainly not as a collectivity consisting of individual members of that collectivity.

As we can see from the argumentation, there are many ways of interpreting details in HRs protection. In many cases today, even with a lot of support from experts (in this case the lawyer, the linguist and the educationist), minorities are up against almost impossible odds when they try to get access to basic human rights that most dominant language speakers take for granted.

Mother tongue medium education is part of the important demands that most indigenous peoples and minorities are forcefully presenting today all over the world: to have the collective right to exist and reproduce themselves as a distinct collectivity respected and formally legalised. Subcommandante Marcos beautifully describes this in an interview where, addressing the fear of fragmentation that many states seem to have, he also draws the connections between collective rights, peace or "ethnic" conflict, and globalisation:

Our aim is to get the Mexican Congress to recognise the identity of indigenous people as 'collective subjects' by right. Mexico's constitution doesn't recognise Indians. We want the government to accept that Mexico has a variety of peoples; that our indigenous peoples have their own political, social and economic forms of organisation, and that they have a strong connection to the land, to their communities, their roots and their history.

We are not asking for an autonomy that will exclude others. We are not calling for independence. We don't want to proclaim the birth of the Maya nation, or fragment the country into lots of small indigenous countries. We are just asking for the recognition of the rights of an important part of Mexican society which has its own forms of organisation that it wants to be legally recognised.

Our aim is peace. A peace based on a dialogue which is not a sham. A dialogue that will lay the groundwork for rebuilding Chiapas and make it possible for the EZNL to enter ordinary political life. Peace can only be had by recognising the autonomy of indigenous peoples. This recognition is an important precondition for the EZNL to end its clandestine existence, give up armed struggle, participate openly in regular politics and also fight the dangers of globalisation (Ramonet, 2001, p. 1).

Marcos also emphasized the demand for MTM education as one of the important motivating forces for the 2-week march in February 2001 from Chiapas to Mexico City. One could draw a close parallel with the United States where the constitution does not recognise indigenous peoples or minorities as proper collective subjects either, and where minority rights and even indigenous rights are denied in the name of national unity. While the indigenous peoples in the USA are well aware of this, many of the minorities still have a long way to go before they begin earnestly using international law to demand basic human rights (including educational LHRs, both individually and as collectives). Even today, the denial of collective rights has to do with the (mostly unfounded) fear of the disintegration of the state. Bolstering the imagined unity of the state, by forcibly trying to homogenise the citizens linguistically, culturally, and even ethnically, is one of the strong motives behind HRs violations. The elites controlling the state are the perpetrators. We can see the same trend all over the world, in Australia's "one literacy," a "singular, measurable, narrowly defined, English-only literacy" (Lo Bianco, 2001), in the "homogenising effect of imposed Hispanization" (Bolivia) or "a deliberate attempt to 'whiten' and 'Chilenise' Andean populations ... under Pinochet" (Arnold & Yapita, 2001), or in the European examples of ""such abject failures of nerve...such failures to attempt to defend the rights of linguistic minorities ... such sociolinguistic sophistry" that Peter Trudgill (2000, p. 58) quotes from Bulgaria (Videnov), Greece (Angelopoulos), Hungary (Deme) and Britain (Stein and Quirk), just to name a few examples. Unless collective rights are considerably strengthened very soon (but without weakening individual rights), the world's linguistic diversity will be lost.

To make the issues more complex, today states are not the only perpetrators of human rights violations, and sometimes they themselves need protection. Firstly, the worldwide globalisation has made it necessary to discuss to what extent individuals (and even some states) also need protection from unfettered markets, as part of their HRs proper and how this could be done. As noted above, we now need to concentrate more on cultural, social, and economic rights. Market-capitalism-run-wild oppresses a large majority of the world's population in ways where even willing states have difficulty in protecting their citizens. It does not make things easier that many (maybe most?) states are not willing - there is an unholy alliance between national and transnational political elites and transnational market forces. Often there are more representatives of various transnational companies (agriculture, food, medicine, biotechnology, etc) than state representatives sitting around the table when important international and regional agreements about the environment, consumer protection, TRIPs (World

Trade Organization's Trade-Related Aspects of Intellectual Property Rights agreement), etc. are being negotiated. Ukeje (2001) catches the essence of this unequal relationship, describing the role of Shell in the oil fields in the Nigerian Delta: "Today, very few would doubt that in Nigeria, Shell is the state, and the real State is indeed a shell" (p.11).

4. Conclusion: Can a human rights approach to language planning and policy promote educational equity?

We have to conclude that, so far, the possibility of a HRs approach in promoting educational equity for diverse students does not look very promising. In Table 4, I present possible criteria for assessing the effectiveness of educational LHRs in promoting educational equity. My assessment is that the negative traits still dominate in most minority education, with disastrous consequences for individuals, communities, and the whole humankind.

Table 8. Criteria for effectiveness of educational LHRs in promoting equity

	CRITERIA FOR SUCCESS	CRITERIA FOR FAILURE
<i>Individual</i>	Becomes high-level bi- or multilingual, with strong self-defined and respected identity; MTM education offered; uses minority language freely in private & public, including schools	Anomy & alienation (identity) Mental harm caused by education Using minority languages is directly or indirectly prohibited Forced transfer to dominant groups
<i>Community</i>	Continues to exist; transfers their language(s) to children	Linguistic genocide in education
<i>Humanity</i>	Languages flourish; they are maintained & developed; linguistic diversity continues	Languages disappear

It may still be too early to assess the impact of HRs, though. The time lag is often decades from the conception of a right, via negotiations about how to formulate it in HRs documents, to ratification, then to implementation, and finally, to results. While waiting for results to emerge, we need both emergency kits and long-term planning. For the emergency kit, urgently need to determine what kind of linguistic human rights, including educational language rights, are minimally necessary in order to prevent both linguistic genocide in education and what is called ethnic conflict. We need to ask *all* countries to live up to these rights in practice. The most important right, the right to mother tongue medium education, is completely inadequately protected in existing instruments. The level of knowledge of various governments is in serious need of enhancement, as is shown by their inability to make even some of the most basic distinctions noted in the replies to Max van der Stoel.

We also need to discuss what educational linguistic human rights are necessary for maintaining linguistic and cultural diversity on earth. If Europe, an extremely poor continent linguistically, with only 3 percent of the world's languages, cannot protect even these few languages, Europeans have no right to criticize others. In terms of the responsibility for killing languages everywhere in the world, Europe and the rest of Western countries bear a really heavy responsibility - and this will

fairly soon start backfiring in serious ways, both economically and otherwise (see Terralingua's web-site¹⁸).

But is any of this likely to happen? During the cold war's bipolar "balance" of power, there was no corner in the world to be seen as insignificant enough not to be of vital strategic importance to one or the other superpower, "if only because it could always be used by the other side," as Pierre Conesa (2001, p. 10) puts it. Today, in his view, Western powers "prefer a laissez-faire approach, rather than direct intervention, more concerned by economic than political aims" where "risk diplomacy" ["will our boys be at risk?"] is a key component in international unconcern" (Conesa, 2000, p. 11) - they have "fewer qualms about watching the world fall apart - from a safe distance" (ibid.). They "moralise, then look the other way" (ibid.), expressing "considerable concern" through UN resolutions, and then, "having made the appropriate noises, international business resumes" (Conesa, 2000, p. 10). The bipolar mode has not been succeeded by a unipolar mode - several of the important strategic institutes do not accept a superpower or hyperpower theory (e.g. The International Institute for Strategic Studies, ISSS, 2000a, 2000b) but advocate "a multipolar world order" (e.g. the Institute of International and Strategic Relations (Iris) in Paris, 2000; see Achcar, 2001 for a short summary of the yearbooks of the institutes). Against the background where the great powers are "more interested in maintaining status quo than upholding universal peace" (Conesa, 2001, p.11), where "basic rules of diplomacy that have guided international affairs since 1945 have reached their limits" (ibid.), and where "Kosovo shows that military action is once again legitimate, even for the founding members of the UN who set out the principle of peaceful settlement of conflicts" (ibid.), Sipri's (Stockholm International Peace Research Institute) Director, Adam Rotfeld, "calls for **an international system in which rules are recognised and applied**" (quoted in Achcar, 2001, p.11; see Sipri, 2000).

The basic human rights instruments codify the rules that the international village has voluntarily agreed it is supposed to live by. When we again look at the ratifications of them regarding to what extent they are even "recognised" by former, present, and possible future superpowers, there is not much reason for optimism. Only the Russian Federation is among the 25 countries with the most ratifications. Of possible future economic superpowers, Brazil makes it to the 50 and India to the 120 "best." Japan is among the best 140 and China is in the group between 146 and 151. And today's unipolar big superpower, USA, in the group between 161 and 165, is among the 30 worst ones, with all "rogue states" except North Korea faring far better. Discrimination in education on the basis of class (e.g., fees), gender, and language is still rampant all over the world. The other types of discrimination get a lot of attention while discrimination on the basis of languages is hardly even discussed. In this light, the impact of HRs covenants, convention, and legislations, (including LHRs), might easily be dismissed as mere "appropriate noises." I wish I could be more positive and encouraging, but there seems to be no reason.

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Abstract

My question in this article is: can a human rights approach to language planning and policy promote educational equity for diverse student populations. After claiming that most of present indigenous and minority education in the world fits the UN definitions of linguistic genocide, turning dominant languages into killer languages, I propose to 1. assess to what extent governments show respect for human rights, by ratifying human rights documents; 2. discuss some aspects of implementation, first presenting some government claims and then assessing government claims on national and immigrant minority education; and 3. present some more concrete examples, first discussing one state's performance (Sweden), and then finishing with an imagined example of a community trying to force the government to implement LHRs in education. The sad conclusion is that so far a human rights approach to language planning and policy has not been effective in promoting educational equity for diverse student populations.

Notes:

¹ This article draws to some extent on several of my articles in press. Warm thanks for extensive constructive comments on an earlier version are due to Thomas Ricento and the two peer reviewers, Juliet Langman and Gerda de Klerk

² Hereafter "minorities" stands for both indigenous peoples and minorities except when there is a need for legal purposes to differentiate. Minorities do not have any right to self-determination whereas indigenous peoples do.

³ See also, for instance, Baugh, 2000; Cummins, 2000; Lowell & Devlin, 1999; May, 1999, 2001; Williams, 1998; Wong Fillmore, 1991.

⁴ "Zambia devoted 40 percent of its national budget to foreign debt payment in 1997, and only 7 percent to basic health and education, clean water, sanitation, family planning, and nutrition. [...] By 1998 the heavily indebted poor countries had international debts of \$214 billion - a huge sum for them, but equal to only 4,5 months of western military spending." (emphasis added; from Excerpts from State of the World 2001, Facts and Findings, 13 January 2001).

⁵ See, e.g. the United Nations publication *The realization of the right to development. Global consultation of the right to development as a human right*, 1991, Rosas (1995), 248-249.

⁶ Several book-length presentations of language rights have appeared in tandem with the increasing salience of language issues and ethnicity in many post-communist and post-colonial trouble spots (e.g. Kibbee, 1998; Guillorrel & Koubi, 1999; Hamel, 1997; Benson et al. 1998; Kontra et al., 1999; Phillipson, 2000. See also Frowein et al., 1994/95, Phillipson & Skutnabb-Kangas, 1994, 1995, 1996; Skutnabb-Kangas, 1996a,b, 1999; Skutnabb-Kangas & Phillipson, 1994; 1997, 1998). In Canada the implementation of language rights has spawned a strong research tradition, not least among lawyers (see, e.g., the bilingual bulletin of the Centre Canadien des Droits Linguistiques of the University of Ottawa, and de Varennes, 1996).

⁷ I list a few of them, with follow-up addresses:

1. UN, Human Rights Committee: *General comment on UN international covenant on civil and political rights, Article 27* (4 April 1996, UN Doc. CCPR/C/21/Rev.1/Add.5).

2. UN, Working Group on Indigenous Populations; *Draft declaration on the rights of indigenous peoples*; <<http://www.unhchr.ch/html/menu4/subres/9445.htm>>.

3. CIEMEN (*Mercator Programme, Linguistic Rights and Law*); *The International Pen Club (Committee for Translation and Linguistic Rights)*: The draft Universal Declaration of Linguistic Rights (handed over to UNESCO in June 1997); <<http://www.troc.es/ciemen/mercator/index-gb.htm>>.

4. The Third World Network, Malaysia; The Cultural Environment Movement, USA; and the World Association of Community Radio Broadcasters, AMARC: *People's Communication Charter* (including an International Hearing on Language Rights, in May 1999, in the Hague; <<http://www.waag.org/pcc>>.

5. OSCE, High Commissioner on National Minorities: *The Hague recommendations regarding the education rights of national minorities & explanatory note*; <http://www.osce.org/hcnm/documents/hague/hageng.html>.

6. The 1997 Harare Declaration from an OAU (Organisation for African Unity) Conference of Ministers on Language Policies in Africa.

7. The Asmara Declaration on African Languages and Literatures, 17 Jan. 2000 ; <<http://www.outreach.psu.edu/C&I/AllOdds/declaration.html>>.

⁸ See <<http://www.osce.org/>> for the Recommendations. Both the USA and Canada are members of the OSCE and should follow them; mother tongue medium education and bilingual teachers are recommended. See Skutnabb-Kangas 2000b at http://www.ecmi.de/activities/minority_congress_2000_speeches.htm for the context and a fuller analysis.

⁹ Switzerland's ratification of the European Charter for Regional or Minority Languages would place it in category (1) whereas the information given to Max van der Stoel on implementation in 1997 did not.

¹⁰ From question 1 about official or state languages or languages with a special status, question 4 about the teaching of minority languages as subjects, question 7 about private schools and question 9 about additional linguistic rights

¹¹ This is of course a division that not everybody agrees with - many western countries and European and international organisations criticise for instance the Baltic countries for their treatment of the Russian immigrant minorities, but do not grant the same rights that they demand for the Russian minorities to those immigrant minorities in their own countries who have been there maybe 20 or 30 years less but still for a considerable length of time.

¹² But see Table 4 on the European Charter where Hungary has ratified much less than what it already grants to all other minorities except the Roma and the Deaf. As expert reports from van der Stoel's missions to Hungary show, Hungary's legal minority protection is one of the best in the world, not only on paper but also in practise (I have written one of those reports myself). One can of course attribute this partially to the fact that this makes it easier for Hungary to ask neighbouring countries, reciprocally, to grant similar rights to their Hungarian minorities. Kontra Miklós is currently editing a series of the situation of these Hungarian minorities.

¹³ See EUD Update 2001 for an excellent overview of the situation of Sign languages in the European Union countries and a few more.

¹⁴ The Council of Europe argumentation about the matter is completely false and misguided (see, e.g., Krausneker, 1998; Skutnabb-Kangas, 2001a, in press a), a scandalous fact that should be amended as soon as possible

¹⁵ News and/or details about Council of Europe instruments mentioned here can be checked at <http://conventions.coe.int/treaty/EN/cadrenews.htm> and <http://conventions.coe.int/treaty/EN/cadreprincipal.htm>. Many materials and documents on language and law can be downloaded from Mercator Linguistic Law and Legislation's site <http://www.troc.es/ciemen/mercator/index-gb.htm>.

¹⁶ Thanks to Kontra Miklós for prompting me to write this story.

¹⁷ See also Skutnabb-Kangas & Phillipson, 1994, Note 2, for various characteristics in and references to definitions of minorities.

¹⁸ Terralingua, Partnerships for Linguistic and Biological Diversity (<<http://www.terralingua.org>>) is a "nonprofit international organization devoted to preserving the world's linguistic diversity and investigating links between biological and cultural diversity"