

## A HUMAN RIGHTS PERSPECTIVE ON LANGUAGE ECOLOGY

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In Volume 9, **Ecology of Language**, eds Angela Creese, Peter Martin & Nancy Hornberger. **Encyclopedia of Language and Education**, 2nd edition. New York: Springer, 3-14.

### Introduction

In the language of ecology, the strongest ecosystems are those that are the most diverse. Diversity is directly related to stability; variety is important for long-term survival. Our success on this planet has been due to an ability to adapt to different kinds of environment over thousands of years. Such ability is born out of diversity. Thus language and cultural diversity maximises chances of human success and adaptability (Baker, 2001, 281).

Language rights are an existential issue for the political and cultural survival of individuals and communities worldwide, ranging from large minorities/peoples such as the 25-40 million Kurds in several countries in the Middle East or the 8 million Uyghurs in China, to the 70 million users of probably thousands of Sign languages worldwide, and small indigenous peoples such as Ánar Saami in Finland (fewer than 300 speakers). Language rights are a current research concern of social theorists, international and constitutional lawyers, political scientists, sociolinguists, educationists, and many others.

Understandings of language/linguistic ecology range widely. Many researchers use “ecology” as a reference to “context” or “language environment”, to describe language-related issues embedded in (micro or macro) sociolinguistic, economic and political settings rather than de-contextualised. Others have more specific definitions and sub-categories (e.g. articles in Fill & Mühlhäusler, 2001; Mufwene, 2001; Mühlhäusler, 1996, 2003).

The topic should be of major concern to humanity. Only some few hundred of the world’s around 7.000 spoken languages and a few dozen Sign languages are learned in education systems even as subjects, let alone used as teaching languages. Schools have played and continue to play a major role in annihilating languages and identities (see Magga et al. 2004; articles in McCarty, 2005). Optimistic linguists estimate that half of today’s spoken languages may be extinct or seriously endangered by the end of the present century (see <http://www.unesco.org/endangeredlanguages>, or UNESCO’s position paper **Education in a Multilingual World** <http://unesdoc.unesco.org/images/0012/001297/129728e.pdf>); pessimistic but fully realistic estimates place 90-95% of the world’s languages in this category (Krauss, 1998). UNESCO's Intangible Cultural Heritage Unit’s Ad Hoc Expert Group on Endangered Languages uses this more pessimistic figure in their report, Language Vitality and Endangerment ([http://portal.unesco.org/culture/en/file\\_download.php/1a41d53cf46e10710298d314450b97dfLanguage+Vitality.doc](http://portal.unesco.org/culture/en/file_download.php/1a41d53cf46e10710298d314450b97dfLanguage+Vitality.doc)).

It is because general human rights formulations are not explicit or proactive enough that efforts have been made since the early 1980s to specify which language rights are linguistic human rights that states cannot be justified in violating, and which can therefore be seen as having universal validity. Invariably the formulations specify the necessary rights that make it possible for a group or people to maintain its language and culture. The core linguistic human rights therefore relate to

- positive identification with a (minority) language by its users, and recognition of this by others,
- learning a (minority) language in formal education, not merely as a subject but as a medium of instruction,
- additive bilingual education, since learning the language of the state or the wider community is also essential,
- public services, including access to the legal system, in minority languages or, minimally, in a language one understands.

These factors can enable the diversity of the linguistic ecology to evolve in processes of modernisation rather than being sacrificed.

We envisage a balanced ecology of languages as a linguascape where interaction between users of languages does not allow one or a few to spread at the cost of others and where diversity is maintained for the long-term survival of humankind (as Baker, 2001 suggests). Seeing some language rights as human rights, with the protection that these enjoy, can support additive rather than subtractive (or replacive, Haugen, 1972) language learning and facilitate the maintenance of linguistic diversity. This article considers what a human rights approach can and cannot do and how a linguistic human rights system might serve to understand and challenge the unequal power relationships implicated in the destruction of language ecologies. We also discuss the relationship between languages and biodiversity.

## Early developments

Language rights in human rights = linguistic human rights (LHRs)

References to language rights have figured sporadically over several centuries in both intra-state and bilateral legislation governing relations between specific groups or states. The first multilateral instrument covering minority rights (including language rights) was the Final Act of the Congress of Vienna in 1815 (Capotorti, 1979, 2; see also our historical review of language rights in Skutnabb-Kangas & Phillipson, 1994). Many language rights were included in the post-1919 territorial treaties that fixed the political map of Europe.

Several historical developments have rendered language issues more salient. They include the establishment of postcolonial states with multilingual populations, the re-ordering of the linguistic hierarchy in Canada, the disintegration of the communist system, and the revitalisation efforts and international coordination (within the UN) of indigenous peoples. All have contributed significantly to an awareness of the need to regulate the rights of speakers of different languages, through constitutions, litigation, socio-political measures and education.

The search for a more just order within and between states intensified after 1945 with the United Nations (see the Office of the United Nations High Commissioner for Human Rights <http://www.ohchr.org/english/law/index.htm> for UN treaties themselves and <http://www.unhchr.ch/tbs/doc.nsf> for States parties to the treaties). The Capotorti report, commissioned by the UN in 1971 and published in 1979, is a major survey of juridical and conceptual aspects of the protection of minorities. It concluded that most minorities, including linguistic ones, needed more substantial protection.

Most research on language rights has been by lawyers. Most LHRs derive from basic (individual) human rights such as freedom of speech and freedom from discrimination. LHRs require multidisciplinary clarification, formulation in legally lucid and binding formulations, and the political will to undertake implementation.

Language plus ecology = language/linguistic ecology, ecolinguistics

The first serious sociolinguistic attempts to explore linguistic ecology pleaded for linguistics to be grounded in societal context and change. Trim 1959 and Haugen's seminal 1971 article entail multidisciplinary and build on multilingual scholarship (of the works cited by Trim, eight are in German, six in English, and four in French; academia has become more monolingual in globalization processes). Haugen refers to status, standardization, diglossia, and glottopolitics, but not to language rights. We concentrate here on the human rights perspective.

### **Major contributions**

The struggle for linguistic human rights has concentrated on the rights of indigenous peoples and various dominated groups, including linguistic minorities. The terms majority/minority, dominant/dominated imply a relationship. Dominant majority languages and their speakers are part of the linguistic ecosystem of dominated and/or minority people(s). In general, speakers of most majority languages (in terms of numbers) and dominant languages (in terms of political and economic power) have access to most language-related human rights. This is especially true in countries where there is a demographic majority, rather than many language groups where none forms a majority (the situation in many African countries). Often the language rights of linguistic majorities (Russian speakers in Russia, Turkish speakers in Turkey, Portuguese speakers in Brazil, English speakers in Australia) are in force; they are seen as self-evident and the state organises everything through the medium of the dominant language as a matter of course. Most language rights can therefore be found in human rights instruments or clauses about minorities. Subtractive learning of dominant languages may violate linguistic human rights and contribute to linguistic genocide (on this, see Skutnabb-Kangas, volume 1).

Two types of language right are complementary. A constitutional lawyer, Rubio-Marín (2003, 56) distinguishes “the expressive interest in language as a marker of identity” and an “instrumental interest in language as a means of communication”. *Expressive* language rights “aim at ensuring a person’s capacity to enjoy a secure linguistic environment in her/his mother tongue and a linguistic group’s fair chance of cultural self-reproduction”; it is only these rights that she calls “language rights in a strict sense” (Rubio-Marín, 2003, 56). These could in other words be seen as linguistic human rights. The *instrumental* language rights “aim at ensuring that language is not an obstacle to the effective enjoyment of rights with a linguistic dimension, to the meaningful participation in public institutions and democratic process, and to the enjoyment of social and economic opportunities that require linguistic skills” (Rubio-Marín, 2003, 56). Sociolinguists and political scientists who ignore this distinction, or deny the importance of expressive rights and only focus on dominant languages for social mobility, tend to falsely see language rights in terms of either language X or language Y.

Basic concept clarification of the kind exemplified above has been an essential trait of work on LHRs (see, e.g., Kontra et al., 1999; Skutnabb-Kangas & Phillipson, eds, 1994; Thornberry 1997; de Varennes, 1996). Another example is the issue of who or what can have language rights. Languages can have rights; they can be legal personalities. Individuals, groups, peoples, organizations and other collectivities, including states can have rights, and duties. Two important documents from the Council of Europe, the only binding international (here regional) treaties in force about language rights, can be seen as examples of these two types of right. The *European Charter on Regional or Minority Languages*, grants rights to languages, not speakers of the languages concerned. The *Framework Convention on the Protection of National Minorities*, on the other hand, grants rights to (national) minorities, i.e. groups. The texts of these documents and their ratifications are found at <http://conventions.coe.int/Treaty/EN/v3MenuTraites.asp>; treaty numbers 148 and 157. Language rights can be based on principles of personality (individual) or territoriality or combinations of these. Rights can be binding or non-binding. Treaties, charters, covenants, conventions etc are binding and often have both monitoring and complaint procedures. Declarations, resolutions and recommendations are in a strict sense non-binding even if there may be a moral pressure on a state to honour them. Litigation may also in time change interpretations of treaties.

Universal declarations of human rights generally contain clauses designed to prevent discrimination on grounds of language, so-called negative rights. Positive rights, including obligations imposed by treaties on states, require, firstly, that states *protect* individuals or groups from violations of their rights, and, secondly, that states “*promote or fulfil* an individual’s rights, that is take the required steps to create a necessary and conducive environment within which the relevant rights can be fully realized” (*Human Rights Fact Sheet* No. 15 (Rev. 1), 2005: 5). Most binding LHRs so far have been negative but there are ongoing interpretation processes changing this to some extent. A promising example is the UN Human Rights Committee’s General Comment on Article 27 (UN Doc. CCPR/C/21/Rev.1/Add.5.), UN *International Covenant on Civil and Political Rights*. Article 27 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.

In the customary reading of Art. 27, rights were only granted to individuals, not collectivities. But the right to use a language obviously makes sense only if it is used together with others – many linguists claim that languages exist only in use. The UN 2005 Fact Sheet No 15 on the Covenant expresses the new UN interpretation in their comment on Article 27 (p. 7): “While nominally expressed as an individual right, this provision, by definition, may best be understood as a group right protecting a community of individuals”. The General Comment also sees Article 27 as entailing positive rights and obligations on the state.

## **Work in progress**

### Linguistic and cultural diversity and biodiversity

While all language users should enjoy LHRs (HRs are universal), from the point of view of the global ecology, what is most urgent is LHRs for those indigenous and minority groups/peoples who

have a long-lasting connection to a certain territory, which they know so well that phenomena in the ecosystem have been lexicalised. According to Mühlhäusler (2003) this takes minimally 300 years. The knowledge about how to maintain a balanced ecosystem is encoded in these languages and is often more detailed and accurate than western science, according to the International Council for Science (ICSU, 2002; see also Posey, 1999).

The United Nations Permanent Forum for Indigenous Issues (PFII)

<http://www.un.org/esa/socdev/unpfii/index.html>) has recognised the importance of language and expressive language rights in general but also their connection with the land and with self-determination (see, e.g., the interview with PFII's first Chair, Ole Henrik Magga, and Magga et al., 2005; see also reports by the UN Special Rapporteur on the human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen).

Signed by 150 states at the 1992 Rio Earth Summit, the Convention on Biological Diversity, dedicated to promoting sustainable development, is the most important international treaty on ecology. It recognizes that biological diversity is about more than plants, animals and micro organisms and their ecosystems – it is also about people and their environment (see <http://www.biodiv.org/convention/default.shtml>), and here languages are included. In its Article 8j about traditional knowledge, each of the states promises,

(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

Further work on the Convention stresses the interlocking of language and ecology in traditional knowledge and its inter-generational transfer:

Traditional knowledge refers to the knowledge, innovations and practices of indigenous and local communities around the world. Developed from experience gained over the centuries and adapted to the local culture and environment, traditional knowledge is transmitted orally from generation to generation. It tends to be collectively owned and takes the form of stories, songs, folklore, proverbs, cultural values, beliefs, rituals, community laws, local language, and agricultural practices, including the development of plant species and animal breeds (see <http://www.biodiv.org/programmes/socio-eco/traditional/>).

Biodiversity is disappearing at an alarming pace. Recent research (e.g. Harmon, 2002) shows high correlations between biodiversity and linguistic and cultural diversity. The relationship may also be causal, a co-evolution where biodiversity in the various ecosystems and humans through their languages and cultures have mutually influenced each other (e.g. Maffi, 2001; Skutnabb-Kangas, Maffi & Harmon, 2004; see also [www.terralingua.org](http://www.terralingua.org)). If the detailed knowledge, encoded in small indigenous languages, about the complexities of biodiversity and how to manage ecosystems sustainably, is to be maintained, the languages and cultures need to have better conditions: they need to be transferred from one generation to the next, in families and through schools. If global linguistic diversity is not to suffer irreparable attrition, as a result of linguistic genocide, major changes are needed in educational language policy.

## Problems and difficulties

The multidisciplinary nature needed in this area involves many so far unresolved challenges. There is still much concept clarification work to be done. The distinction between individual and collective rights is one example where language rights, because of the special character of languages (individual rights but used collectively), might contribute to a more general clarification of distinctions in human rights.

Some of the early work on LHRs has been critiqued (e.g. several articles in the *Journal of Sociolinguistics*, 2001, *Journal of Language, Identity and Education*, 2004, Freeland & Patrick 2004, Kymlicka & Patten, 2003) and accused of essentialising, of simplistically conflating language and identity, as though these are rigid, non-negotiable categories. They are necessarily relational and fluid, hence an integral part of struggles for political recognition, and for economic and social rights. It is essential to explore particular claims for rights in context. Minority rights must be established on objective criteria, and not determined by an often reluctant state. Sociolinguists and applied linguists should have much to offer at the meeting-point between human rights formulations and attempts to improve these, and the dynamic complexities of specific cases.

Much of the scholarly 'debate' in sociolinguistics fails to appreciate that when LHRs require formulation in the conceptual worldview of international and national law, terms like 'language' cannot be subjected to apolitical post-modern academic hair-splitting. "Dialects" and "speech communities" have no status in law, whereas "language" is used in public discourse terms that derive from folk linguistics rather than armchair theorising. Language and ethnicity are salient political terms. Calling them contingent seems to be doing the bidding of dominant groups who are reluctant to accord minorities any recognition. Condoning *Realpolitik* arguments that relate exclusively to instrumental uses and greater social mobility undermines the cause, in theory and practice, of oppressed groups. Education needs to confirm their linguistic and cultural identity as well as to equip them to operate in languages of the wider community. The practical realisation of this is complex, because of linguistic diversity, urbanisation, increased mobility, networks that are displacing territorially defined groups, the power of dominant discourses in fundamentally unequal societies, and the cumulative effect of all of these in linguistic hierarchies that threaten the lives of those (languages) at the bottom.

Some linguists working with endangered languages have suggested that endemic, typologically unusual or unique languages have a special case for protection because of their significance for linguistics. Human rights are an integrated whole and should be applied to all. When decisions are made on which languages to choose for education, in the media, etc, what criteria are legitimate to apply to resolve real dilemmas equitably? Political power, sensible pragmatism, research concerns, ethics (see also Phillipson 2003)? LHRs are a necessary but not sufficient tool for educators concerned with language who want to contribute. The articulation of human rights is a paradigm case of thinkers formulating principles in the hope of influencing representatives of the state. Procedures should be in place to ensure implementation and redress for people who feel their rights have been infringed (regardless of whether they are citizens or not – see Human Rights Fact Sheet No 15, 2005, 4).

Lawyers tend to steer clear of sociolinguistic niceties (see, e.g. de Varennes, 1996; Thornberry, 1997; Thornberry, 2002) but there are exceptions, multidisciplinary lawyer-linguists (see, e.g., Dunbar, 2002a; Dunbar, 2002b; Fife 2005). But many sociolinguists (and political scientists, educationists, etc) tend to avoid engaging with legal aspects, which are vital, see [www.unesco.org/most/](http://www.unesco.org/most/) on Linguistic Rights and Legislation. It is unhelpful to denounce the existence of concepts like language or mother tongue as social constructs with little or no basis in reality, because of unclear and permeable borders or because people are multilingual or multi-mother-tongued or shift from one to another. If (socio)linguists claim that languages and mother tongues do not exist, how can one legislate for them? Lawyers treat languages as having ‘legal personality’ with certain rights, in the same way as individuals and groups and peoples can have rights. Another example is replacing negative terms (like LEP – Limited English Proficient, in the USA) with other terms which may have more positive connotations (in this case ‘linguistically diverse students’ or ‘English learners’) but do not give the students concerned any more rights: linguistically diverse students and English learners are non-entities in international law whereas minority students do have some rights. The *Draft Universal Declaration of Language Rights* (<http://www.linguistic-declaration.org/index-gb.htm>) can be criticised for presenting unrealistic suggestions which do not appreciate the limits of both international legal systems and national resources and political will. This undermines the chances of essential demands being heard.

### **Future directions**

Biocultural diversity (= biodiversity + linguistic diversity + cultural diversity) is essential for long-term planetary survival because it enhances creativity and adaptability and thus stability. Today we are killing biocultural diversity faster than ever before in human history. Seriously endangered languages disappear with little trace, at the same time as other not-yet-endangered languages, though official, are undergoing domain loss in high-status areas when English is being extensively used in research, universities, businesses, media, etc. Their speakers start experiencing what many minorities have experienced earlier when national official or “big” languages have spread subtractively. The alternative is maximal support for linguistic diversity and additive multilingualism. Education is here a central space for the struggle – educational LHRs could be part of formulating and implementing necessary minimal support. This includes an absolute right to mother tongue medium education for indigenous peoples and minorities for most of the primary education, together with good teaching of an official language as a second language. For this to happen, many groups need to join forces. If researchers are to enhance this development (rather than become irrelevant or even antithetical to it), research needs to be multidisciplinary, constructive and activist.

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### **Keywords**

Language rights

Human rights

Language ecology

Linguistic human rights

Biodiversity and linguistic diversity