

Minorities and Access to Education

Invited notes for the (UN) *Forum on Minority Issues*, established by The Human Rights Council (resolution 6/15 of 17 September 2007). (written in September 2008)
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These notes consist of four parts: Introduction, Suggested Recommendations, Commentaries to the Recommendations, and References.

INTRODUCTION

The following Articles from the **Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities** (General Assembly resolution 47/135 of 18 December 1992) are particularly important for minorities' access to education. The most relevant parts in relation to access to education have been emphasized, by **bolding** some of those which contain positive language, and *italising* some of those which have vague, weak or conditional language, often with opt-outs, modifications, "claw-backs", etc:

Article 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**.
2. States **shall adopt** *appropriate* legislative and other measures to achieve those ends.

Article 4

2. States **shall take measures to create favourable conditions** to enable persons belonging to minorities to express their characteristics and **to develop their** culture, **language**, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States *should* take *appropriate* measures so that, *wherever possible*, persons belonging to minorities *may* have *adequate* opportunities to learn their mother tongue *or* to have instruction in their mother tongue.

It can be claimed that today most of the education received by indigenous peoples and (other) linguistic minorities almost everywhere in the world is organized in ways which systematically work *against* protecting and promoting their linguistic identity and, especially, *against* developing their languages up to a high level. It also prevents most of these children from maximal cognitive development, and it perpetuates poverty. Today's indigenous and minority education is organized against solid research evidence about how best to reach high levels of bilingualism or multilingualism and how to enable these children to achieve academically in school. Today, most indigenous peoples and minorities have to accept **subtractive** education using a dominant/majority language as the (main) teaching language. They learn a dominant language **at the cost of the mother tongue**, which is displaced, and later often replaced by the dominant language. The education subtracts from their linguistic repertoire.

Using arguments and research results from international law, education, educational anthropology, applied linguistics, psychology, sociology, sociolinguistics, and political science, it has been argued (see Magga et al., 2005) that mainly dominant-language medium education for indigenous and minority children can and does have extremely negative consequences both for the achievement of goals deduced from central human rights instruments and, especially, for the right to education. Using the former UN Special Rapporteur on the Right to Education Katarina Tomaševski's interpretations, Magga et al. 2005 show that this dominant-language medium education (subtractive submersion education) prevents access to education, because of the linguistic, pedagogical and psychological barriers it creates. In addition, it can and often does cause serious mental harm.

With regard to the consistency of such forms of education with the basic right to education, Katarina Tomaševskiⁱⁱ, the former UN Special Rapporteur on the Right to Education, illustrates how the State obligations in Art. 13, para 1 of the ICESCR and in Art. 28, para 1 of the CRC contain four elements, namely *availability, accessibility, acceptability and adaptability* (see also Wilson 2004ⁱⁱⁱ). She states that "mere access to educational institutions, difficult as it may be to achieve in practice, does not amount to the right to education" (Tomaševski 2004: para 57). Only those aspects that are most relevant for the right to use indigenous or minority languages as teaching languages will be discussed here, based on Magga et al. 2005.

"Language of instruction" has been discussed by Tomaševski under "*Acceptability*" (2001: 12-15, 29-30) where respect for the parents' choice of language of instruction is seen as similar to respect of parents' religious convictions in education. In our view, language of instruction belongs mainly under "*Accessibility*", where one of the points is "identification and elimination of discriminatory denials of access" (2001: 12)^{iv}. Barriers to "access" can be interpreted as *physical*^v (e.g. distance to school), *financial* (e.g. school fees - not even primary education is free in 91 countries, Tomaševski 2004: 23; see also the list of these countries in *ibid.*, para 23; or the labour of girls being needed in the home), *administrative* (e.g. requirements of birth registration or residence certificate for school enrolment, *ibid.* para 4b; or , e.g. school schedules, 2001: 12); or *legal*. If the educational model chosen for a school (legally or administratively) does not mandate or even allow indigenous or minority children to be educated mainly through the medium of a language that the child understands, then the child is effectively being denied access to education. If the teaching language is foreign to the child and the teacher is not properly trained to make input comprehensible in the foreign language, the child does not have access to education^{vi}. Likewise, if the language of instruction is neither the mother tongue/first language or minimally an extremely well known second language of the child and the teaching is planned and directed towards children who have the language of instruction as their mother tongue, i.e. the norm is a child who knows the teaching language, the minority child does not have equal access to education. Here we then have a combination of *linguistic, pedagogical and psychological barriers to "access" to education.*

Magga et al. 2005 also argue, based on theories by Nobel laureate Amartya Sen (e.g. 1985), that poverty is not only about economic conditions and growth; expansion of human capabilities is a more basic locus of poverty and more basic objective of development (e.g. Misra & Mohanty 2000a, 2000b, Mohanty 2000). This fact is now

recognised by other leading development economists too. Dominant-language medium education for indigenous children often curtails the development of the children's capabilities and perpetuates thus poverty.

Children undergoing subtractive education, or at least *their* children, are effectively *forcibly transferred to the dominant group* linguistically and culturally. At a community level, this often leads to their own languages first becoming endangered, when the intergenerational transfer from parent generation to the children's generation is interrupted; later it may lead to the extinction of indigenous languages and in many cases also minority languages. This contributes to the disappearance of the world's linguistic diversity. The shift is not voluntary, if alternatives do not exist and if parents do not have enough solid research-based knowledge about the long-term consequences of their "choices", meaning the transfer can often be characterised as *forcible*. The United Nation's 2004 *Human Development Report* links cultural liberty to language rights and human development (<http://hdr.undp.org/reports/global/2004/>) and argues that there is "no more powerful means of 'encouraging' individuals to assimilate to a dominant culture than having the economic, social and political returns stacked against their mother tongue. Such assimilation is not freely chosen if the choice is between one's mother tongue and one's future". Such policies of subtractive education of minorities have often resulted not only in serious physical harm but also in very serious mental harm: social dislocation, psychological, cognitive, linguistic and educational harm, and, partially through this, also economic, social and political marginalization. Dunbar & Skutnabb-Kangas 2008 discuss to what extent this education can be labelled genocide and a crime against humanity within the meaning of the United Nations' 1948 *Convention on the Prevention and Punishment of the Crime of Genocide* (E793, 1948; 78 U.N.T.S. 277, entered into force Jan. 12, 1951; for the full text, see <http://www1.umn.edu/humanrts/instreet/xlcppcg.htm>) and answer tentatively in the affirmative.

All this is well known, and research results about both the negative consequences of subtractive education and the positive results of mainly mother tongue medium education for indigenous and minority children are solid and consistent. The existing (fewer and fewer) counterarguments are political/ideological, not scientific. Some of the main causes of educational failure in multilingual societies were correctly diagnosed a century ago in British India (see Curzon as quoted in Skutnabb-Kangas 2009). UNESCO's 1953 book *The use of the vernacular languages in education* included firm recommendations, written by experts, on how multilingual education can best be organized. Similar informed consultations went into drafting UNESCO's Education position paper in 2003, *Education in a multilingual world*.

Still, as a review of achievements in Africa concludes '[W]e are not making any progress at all' (Alexander 2006: 9); 'most conference resolutions were no more than a recycling exercise' (Bamgbose 2001, quoted in Alexander 2006: 10); 'these propositions had been enunciated in one conference after another since the early 1980s' (2006: 11); 'since the adoption of the OAU [Organisation for African Unity] Charter in 1963, every major conference of African cultural experts and political leaders had solemnly intoned the commitment of the political leadership of the continent to the development and powerful use of the African languages without any serious attempt at implementing the relevant resolutions' (2006: 11). This has led to 'the palpable failure of virtually all post-colonial educational systems on the

continent' (2006: 16). Similar pronouncements abound on other continents. Minority education is organised against solid scientific evidence of how it should be organised.

In addition to new codified Linguistic Human Rights (LHRs), especially in education (which might be developing through UNESCO's latest plans?), we need implementation of the existing good laws and intentions – and the political will for that is mostly lacking. Neville Alexander's analysis of reasons for it (2006: 16) states:

The problem of generating the essential political will to translate these insights into implementable policy ... needs to be addressed in realistic terms. Language planners have to realize that costing of policy interventions is an essential aspect of the planning process itself and that no political leadership will be content to consider favourably a plan that amounts to no more than a wish list, even if it is based on the most accurate quantitative and qualitative research evidence.

What Alexander advocates necessitates the type of multidisciplinary approach that minimally includes sociolinguists, educators, lawyers and economists.

What would, then, be reasonable costs for maintaining indigenous/tribal and minority languages, respecting children's LHRs, and should it be the state that pays them? François Grin offers through his discussion of 'market failure' (2003) excellent arguments for resisting market dominance for public or common assets/goods like cultural products:

Even mainstream economics acknowledges that there are some cases where the market is not enough. These cases are called "market failure". When there is "market failure", the unregulated interplay of supply and demand results in an inappropriate level of production of some commodity (Grin 2003: 35).

In Grin's view, many public goods, including minority language protection, 'are typically under-supplied by market forces' (ibid.). The level becomes inappropriately low. Therefore it is the duty of the state(s) to take extra measures to increase it.

Grin (e.g. 2003: 24-27) differentiates between *moral considerations arguments* and *welfare considerations arguments* in answering the question why anybody, including society as a whole, should bother about maintaining indigenous and minority languages, and pay for maintaining them. Most of the legal discourse, including the LHRs considerations, refers to moral norms about the right to live in one's own language, even if the extent of the ensuing rights is debated (2003: 24-25). In contrast,

the emphasis of the welfare-based argument is not on whether something is morally "good" or "bad", but on whether resources are appropriately allocated. The test of an "appropriate" allocation of resources is whether society is better off as a result of a policy (ibid., 25).

In a moral discourse, in most cases the question of what kind of rights, if any, should be granted to speakers of indigenous and minority languages, and at what cost, seems to depend on how 'nice' states are. This is a shaky foundation for human rights, as Fernand de Varennes rightly observes (1999: 117):

Moral or political principles, even if they are sometimes described as "human rights", are not necessarily part of international law. They are things that governments "should" do, if they are "nice", not something they "must" do. Being

nice is not a very convincing argument and is less persuasive than rights and freedoms that have the weight of the law behind them.

In a welfare-oriented discourse one can calculate in much more hard-core terms (often but not necessarily always involving cash) who the winners and losers are. Here ‘the question is whether the winners, who stand to gain from a policy, can compensate the losers and still be better off’ [than without the policy] (Grin 2003: 25). This is an empirical question, not a moral question. If what decides the fate of research-based suggestions for the education of indigenous peoples and minorities is decided by market-value-based laws, both formalised and non-formalised, then the human rights, including linguistic human rights, of these people, do not stand a chance - unless the rights are formulated in terms of cost-benefit analyses that show the economic market value of both granting these rights and of mother-tongue medium education. If even human rights law is a ‘marketable commodity’, we as researchers have to discuss whether and how it is possible to market ‘our commodity’ more effectively and efficiently, **while maintaining our integrity**.

When assessing the empirical question of why one should maintain minority languages, Grin uses both ‘positive’ and ‘defensive’ or ‘negative’ arguments, but both are then used within a welfare-considerations based paradigm. He asks both what the costs and benefits are if minority languages ARE maintained and promoted, and what the costs (and benefits) are if they are neither maintained nor promoted.

Some of Grin's promising conclusions are as follows:

- ‘diversity seems to be positively, rather than negatively, correlated with welfare’
- ‘available evidence indicates that the monetary costs of maintaining diversity are remarkably modest’
- devoting resources to the protection and promotion of minority cultures [and this includes languages] may help to stave off political crises whose costs would be considerably higher than that of the policies considered’ [the peace-and-security argument].
- ‘therefore, there are strong grounds to suppose that protecting and promoting regional and minority languages is a sound idea from a welfare standpoint, not even taking into consideration any moral argument (Grin 2003: 26).

I agree. The question whether states can afford MLE should rather be: can states afford *not* to implement MLE?

SUGGESTED RECOMMENDATIONS

Recommendation 1: the mother tongue should be the main teaching language for the first eight years

1a. All indigenous/tribal and (other) linguistic minority children (hereafter, IM children) should have their first or own language (or one of them, in case of multilingual children) as their main medium of education, during minimally the first eight years (but absolutely minimally the first six years), in non-fee state schools.

1b. Even if the mother tongue might no longer be used as a teaching language after grade 8, it should be used orally in the classroom, and it should be studied as a subject throughout the entire education process.

Recommendation 2: good teaching of a dominant local or national language as a subject

2. IM children should have good teaching of a dominant local or national language as a second language, given by competent bilingual teachers, from grade 1 or 2. It should be studied as a subject throughout the entire education process. It should be studied as a second (or foreign) language, using second/foreign language pedagogy/methods; it should not be studied as if it were the children's mother tongue.

Recommendation 3: transfer from mother tongue medium teaching to using a dominant local or national language as a teaching language

3a. Some subjects can be taught through the medium of a dominant national language and/or an international language in the upper grades, but not before grade 7 and only if there are competent teachers.

3b. If necessary one or two practical subjects (physical education, music, cooking, etc) can be taught earlier through the medium of a second language, but cognitively and/or linguistically demanding subjects (such as mathematics or history) should be taught in the child's first language minimally up to grade 7, preferably longer.

Recommendation 4: additional languages as subjects

4. IM children should have an opportunity to learn further languages as school subjects, including a language in international use such as English, Spanish, French, Russian, Hindi, etc, if it is not a dominant local or national language mentioned in Recommendation 2 above.

Recommendation 5: context-sensitive cultural content and methods

Just using the mother tongue as the main teaching language is not enough. The cultural content of the education and the teaching methods need to fulfil two requirements. They need to be context-sensitive and applicable in the situation that the indigenous people or minority is in: they need to respect the traditions, knowledges, values, history and identities of the group, including their status as oral or literate people, and the teaching methods need to be acceptable to the group (see, e.g., Hough, Thapa Magar & Yonjan-Tamang 2009).

Secondly, the methods and content need to start from the children's and community's experience and knowledges and take the children from pragmatic everyday thinking to scientific thinking (including taking them from BICS – Basic Interpersonal Communicative Skills - to CALP - Cognitive-Academic Language Proficiency, in Jim Cummins' terms, see Cummins 2009).

Recommendation 6: well-trained bi- or multilingual teachers

It is self-evident that teachers need to be well-trained, but it is also imperative that teachers for indigenous and minority children are minimally bilingual. A monolingual teacher (and especially one who does not know the child's language) cannot compare the languages and explore with the child what is common to the languages and what needs to be learned separately for each. S/he cannot help the child develop the metalinguistic awareness that is the main factor behind the benefits that high-level

bilingual or multilingual children have as compared with monolingual children (e.g. Mohanty 1995). And a monolingual teacher is not a good role model for children who are to become bilingual.

Recommendation 7: Systemic changes in school and society are needed to increase access. This includes knowledge about how the present system harms humanity

Schools mirror societies. Systematic inequality in societies reflects and is reflected and reproduced in schools. Indigenous peoples and most minorities are at the bottom of societal hierarchies. Systemic changes at all levels are needed. Power holders need more information about how the present system harms not only minorities but the whole global society, through economic, educational and creativity-related wastage. On the basis of the diminishing linguistic diversity that schools are an important causal factor in, the present system also leads to loss of knowledge about how to preserve biodiversity and thus to worse conditions for humanity on the planet (e.g. Skutnabb-Kangas, Maffi & Harmon 2003, Maffi, ed. 2001).

COMMENTARIES TO THE RECOMMENDATIONS

Commentary to the Recommendations 1-4

Research conclusions about results of present-day indigenous and minority education show that the length of mother tongue medium education is more important than any other factor (including socio-economic status) in predicting the educational success of minority students, including their competence in the dominant language (e.g. Thomas & Collier 2002, May & Hill 2003, May, Hill & Tiakiwai 2003, Alidou et al 2006, Heugh et al. 2007). There are studies comparing several types of programmes for minority children (this includes children in Africa and Asia in countries with many different ethnolinguistic groups and no numerical majorities, and often with an ex-colonial language as a dominant language). The following types of programmes have been compared: a) completely dominant-language medium education from grade 1; b) early-exit transitional programmes, with mother tongue medium education for the first 1-2 years, followed by using a dominant language as the teaching language; c) late-exit transitional programmes where the transition from a mother tongue medium programme to a dominant language medium programme is more gradual but is mostly completed by grade 5 or 6; and d) programmes where the mother tongue is the main medium of education at least for the first eight years, or even longer.

Research results comparing academic achievement of these children show unanimously that the children from programme types a) and b) are as a group never likely to reach a native-like competence in the dominant language, at the same time as they will not learn their own language properly either (they do not learn to read and write it, for instance, even if a writing system and materials exist) (e.g. Williams 1998, 2006; Ramirez et al. 2001a, b, Thomas & Collier 2002, Alidou et al. 2006, Mohanty 1995, 2000, 2006, 2008, 2009, Skutnabb-Kangas 2000). Their academic achievement results are mostly very poor at a group level (even if some individuals may manage). Children in late-exit transitional programmes fare somewhat better, but even their results are much below what they could be.

A couple of examples will suffice: Williams (1998, 2006) studied basic education in Malawi (education in an African language, with English as a subject, for the first four years, then English-medium, with an African language as a subject) and Zambia (English-medium from day one; no African languages studied). He documents that the Malawi children in grade 5 do as well in tests of the English language, after one year of English-medium studies, as the Zambian children after 5 years of English-medium. None of them have the competence in English needed for using it as the teaching-learning language, but the Malawi children have a better chance of reaching the required competence. In addition, they are biliterate, and have learned some of the content in their own languages whereas the Zambian children cannot read or write any language well and have therefore missed most of the content teaching. Williams concluded that there was a clear risk that the policy of using English as a vehicular language could contribute to stunting, rather than promoting, children's academic and cognitive growth. Similar reports from other parts of the world abound, about Indigenous and tribal children, and national and immigrant minority children. A Canadian report about Inuit children in English-medium education, 'Keewatin Perspective on Bilingual Education,' by Katherine Zozula and Simon Ford 1985 (cited in Martin 2000a), describes Inuit students who are neither fluent nor literate in English nor Inuktitut, and who only perform at a Grade 4 level of achievement after 9 years of schooling. Mick Mallon and Alexina Kublu (1998, cited in Martin 2000b) confirm this observation, noting that many Inuit young people are not fully fluent in either language, and are apathetic. Dominant-language-only submersion programs 'are widely attested as the least effective educationally for minority language students' (see May & Hill, 2003 and May, Hill & Tiakiwai, 2003, a thorough two-volume survey of bilingual education research). In South Africa, in a Grade 6 Systemic Evaluation National Report (Department of Education 2005: 77), English- and Afrikaans-speaking students who have their mother tongue as the teaching language throughout their education, outperform those who have switched to their second language, English, by grade 4, across all provinces in South Africa, with a national average of 69% for mother tongue medium students and 32% for second language students.

Ethiopia has an innovative and progressive national education policy which is based on 8 years of mother-tongue medium education. Regions have the authority to make their own decentralized implementation plans. Some regions transfer to English medium already after 4 or 6 years. The Ethiopian Ministry of Education commissioned a study across all the regions (Heugh et al. 2007; see also Heugh 2009, Benson 2009, Heugh & Skutnabb-Kangas, forthcoming). There is an efficient collection of system-wide assessment data. These show very clear patterns of learner achievement at Grade/Year 8, 10 and 12. The Grade 8 data show that those learners who have 8 years of MTM education plus English as a subject perform better across the curriculum (including in English) than those with 6 years or 4 years of mother tongue medium.

Commentary to Recommendation 5

Hough et al 2009 show how context-sensitive culturally appropriate education is being conducted in a promising experiment in Nepal (where the goal is that all over 100 language groups should have their first years of education in their mother tongues – see also Yonjan-Tamang, Hough and Nurmela 2009). Balto 1997, 2005, ed. 1996

discussed how this education can be and has been done with the Saami. Panda & Mohanty 2009 compare traditional rote-learning-based education, even when it is done through the medium of the mother tongue, with education that is thoroughly based on the children's and communities traditional knowledge, ascertained through extensive ethnographic studies but then takes the children through to a higher level of abstraction by developing their pragmatic knowledge towards scientific concepts and knowledge. There are similar experiments on a small scale in many parts of the world.

Commentary to Recommendation 6

High-level multilinguals as a group do better than corresponding monolinguals on tests measuring several aspects of 'intelligence', creativity, divergent thinking, cognitive flexibility, sensitivity to feedback cues, interpreting non-verbal body language, learning of additional languages, etc. (Skutnabb-Kangas 2000 gives a summary; Baetens Beardsmore 2008 is an excellent new overview). Mohanty 1995 shows convincingly that the main causal factor behind all these benefits of high-level bilinguals is metalinguistic awareness. A monolingual teacher is at a loss when trying to support children in developing this awareness. Phillipson 1992a, b, Rampton 1992 and Skutnabb-Kangas 2000, among others, discuss the relative drawback of monolingual teachers.

Commentary to Recommendation 7

The medium of education alone is NOT a panacea – systemic political, economic and societal changes need to accompany changes of teaching language. In addition, teaching methods, teacher training and the entire organisation of schools has to be changed. Many power holders do not see the broader implications of organising indigenous and minority education properly so that it, among other things, leads to high-level multilingualism. The short version of a causal chain that shows how creativity, innovation, and investment are some of the results of additive teaching and multilingualism, is as follows: *Creativity* precedes *innovation*, also in commodity production. *Investment* follows creativity. *Multilingualism* enhances creativity (see Commentary to Recommendation 5). *Additive teaching* (recommended in Recommendations 1-4) can lead to high-level multilingualism. And since a combination of any languages can, through metalinguistic awareness, enhance creativity, the maintenance and development of even numerically very small languages enhances creativity. Creativity is the main asset, main cultural capital that is needed in knowledge/information/networking societies which need to find solutions to the serious global problems of our own making. Proper minority education is a key, not the problem.

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ⁱⁱ See Tomaševski 2001; also at http://www.right-to-education.org/content/primers/_rte03.pdf. The 4-A model was "adopted by the [UN] Committee on Economic, Social and Cultural Rights in General Comment No. 13" (Wilson 2004: 165). See also Tomaševski's Reports to the UN, E/CN.4/1999/49, paras 51-74; E/CN.4/2000/6, paras 32-65; E/CN.4/2001/52, paras 64-65.

ⁱⁱⁱ Duncan Wilson (2004) has applied this 4-A model in a detailed critical evaluation of the monitoring of the *Framework Convention for the Protection of National Minorities* ("Framework Convention") on the issue of minority rights in, to and through education..

^{iv} Tomaševski (2004:para 10) warns, though, that "access to education blurs the difference between education that is free and education accessible only after the payment of a fee". In our discussion, "accessible" refers to demands in addition to education being free.

^v These are our labels.

^{vi} The U.S. Supreme Court acknowledged this in 1974 in the *Lau v. Nichols* case (414 US 563).