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STUDY OF THE PROBLEM OF DISCRIMINATION AGAINST  
INDIGENOUS POPULATIONS

Final Report (First Part) submitted by the Special Rapporteur,  
Mr. José R. Martínez Cobo

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XIV. LANGUAGE 1/ 2/A. Introduction

1. The purpose of this chapter is to examine the information on spoken and written language made available in connexion with this study, bearing in mind, in particular,

1/ In reading this chapter, account should be taken of the information contained in other chapters of the study, particularly those relating to education, to culture and cultural, social and legal institutions and to legal assistance and equality in the administration of justice. The latter chapter is still to be submitted. At present the first two appear in document E/CN.4/Sub.2/L.622 and have to be completed for inclusion in the final report.

2/ It is considered useful to define the meaning of the most important and frequently used terms in this chapter. No claim is made as to the validity or scientific accuracy of the definitions given. They may simply be of some use in ensuring proper understanding of this chapter. Reference was, naturally, made to the definitions proposed by UNESCO experts on this subject and they have been taken duly into account in the definitions given, which are based partly on those proposed on page 46 of the study on The use of vernacular languages in education (UNESCO, Monographs on fundamental education, VIII, Paris, 1953). It should, however, be pointed out that neither the terms used nor the meaning attributed to them in this paper are necessarily the same as those contained in the work by UNESCO, the validity of which is not questioned. The particular requirements of this chapter of the present study provide the basis for and explain the differences. The terms used are the following:

1. Acquired (or second) language: a language different from and learned in addition to the mother tongue. This term denotes any language which is not the mother tongue; where there is more than one such language, the others may be described as "third", "fourth", etc., depending on the case and the relative command a person has of them;
2. Lingua franca: a language used habitually by people whose mother tongues are different in order to facilitate communication between them;
3. Indigenous language: the language of a population which is indigenous according to the working definition adopted for the preparation of the present study (see document E/CN.4/Sub.2/L.566, paras. 34 and 45);
4. Local language: the mother tongue of groups which are not culturally, socially or politically dominant and which is spoken in a specific place (see below, "vernacular language").
5. Mother (or native) tongue: the language which a person acquires in his early years and which normally becomes his natural instrument of thought, expression and communication;
6. International language: a language spoken over wide areas and in many countries of the world. The most important international languages have therefore been adopted for use in intergovernmental organizations;
7. National language: the language of a social and cultural entity which is in widespread use in a country;
8. Official language: a language used in the business of government (legislative, executive, administrative and judicial) and in the performance of the various other functions of the State;
9. Regional language: a language used as a medium of communication between peoples living in a particular region of a country who have different mother tongues (see above, "lingua franca");
10. Vernacular language: the mother tongue of a group which is not culturally, socially or politically dominant and which speaks a different language (see above, "indigenous language" and "local language");
11. Teaching of a language: teaching someone to speak, read and write a language correctly, as a course of study and a subject in the school curriculum;
12. Teaching in a language: education in a language which is used as a vehicle or language of instruction; the language in which all instruction in schools, except for courses in different languages, is given;
13. Informal education: corresponds to the process of socialization, which is defined in greater detail, particularly in paragraph 203 below (q.v.);
14. Formal education: corresponds roughly to the schooling process and is defined in greater detail, particularly in paragraph 204 below (q.v.);
15. Bilingual literacy: learning to read and write properly in two different languages;
16. Bilingual education: schooling in two languages, both of which are used as languages of instruction.

the wishes and preferences of the indigenous populations of the countries covered by this study and the attitudes of other population groups and of the State towards them.

2. The attempts by the dominant sector of society to impose its language on the indigenous populations and by the indigenous populations to preserve and defend their own languages are a long-standing and constantly recurring phenomenon involving a permanent struggle.

3. After the initial contact, the claims of the new arrivals to supremacy over the natives led to a clash which resulted in the domination of the latter by the former. Thus began a complex process of subjugation which included attempts to impose culture and language. Acts, programmes and policies of linguistic penetration and aggression - the topic of concern here - often led to indigenous languages being relegated to a position of secondary importance or even officially banned, depending on the degree to which it was sought to impose the language of the conquerors in a colonial context. The latter was the language of the authorities and of public education. The process continued, with varying degrees of intensity and with different characteristics, throughout the beginning of the period of independence in many countries which gained political independence as new countries.

4. The process involved the reaffirmation of established positions, i.e. aggression and penetration on one side and preservation and defence on the other. Indeed, a language is a system of phonetic symbols for the expression and communication of thoughts and feelings, a cultural product of the people to whom it belongs. Language embodies a series of unconscious but enduring cultural traits symbolized by words.

5. A language is the product of a slow and complicated process of social co-operation, the sediment of a culture. It is in the nature of a record of the cultural history of the society using it. It is not only the expression of a particular community, but also the most important force making for the community's integration. A person's first words are in the language spoken around him. This mother or native tongue is his main vehicle for contact with the world around him and shapes the specific images he forms of it.

6. In learning a language, a child acquires the basic cultural heritage of his people and his times. Language gives him a particular mental set and, one might say, a general life style. Each language reflects a particular way of seeing things and the world. The entire indigenous Weltanschauung is symbolized in the indigenous language.

7. A language is the expression of the common culture of the people who speak it as their mother tongue. When a person learns a foreign language, his conceptions acquire a new dimension. Unlike a child establishing contact with the world about for the first time, he acquires a new way of seeing things.

8. The expansion or reduction of the size of the area in which a language is spoken is a social reflection of power in all the various forms that power can take, i.e. political, social, economic and cultural power.

9. Any person and any society react unfavourably when they feel that their language is under attack and ready themselves to defend it. This phenomenon occurs even more frequently when linguistic aggression forms part of more generalized aggression, as it usually does in the case of indigenous populations.

10. During this century, in particular, there has, however, been a growing tendency to recognize the existence and importance of indigenous languages. This favourable development has led to recognition of the need to teach persons who do not know to read and write by using their mother tongue before giving them instruction in the official language. In some countries, there is already a trend towards the greater use of indigenous languages in schools. It is thus being recognized that these languages are an integral part of the various cultures in the country; such recognition has begun to be explicitly embodied in basic legal texts. In some countries, there are also plans to make these indigenous languages official languages of the State, alongside other non-indigenous official languages, with all the consequences resulting therefrom. In so far as the information available to the Special Rapporteur permits, all these aspects will be dealt with in this chapter.

11. During the Special Rapporteur's visits to various countries in 1973, 1974, 1976 and 1977, <sup>3/</sup> indigenous peoples and some non-indigenous groups and persons stated with varying degrees of emphasis according to the country, that the instruction provided by the State or by the local authorities usually does not make adequate use of indigenous languages or cultural patterns. Teachers nearly always come from outside the indigenous communities and are not sufficiently familiar with the language, traditions and culture of the indigenous peoples. Teaching materials do not take sufficient account of the particular needs of indigenous pupils since they are often designed for pupils in general and are not as specialized as they should be.

12. All the indigenous groups and individuals consulted complain that their languages are not properly recognized and used by the State and public and private agencies involved in indigenous action programmes. According to these complaints, such recognition and use do not exist in any of the relevant areas of activity, because of a lack of interest or deliberate policies of neglect.

13. In a community in one of the countries visited, we were informed that one of the main indigenous languages was not used in schools because ministerial instructions prohibited it. However, the members of the community who were present expressed the strong desire that their language should be used in the schools and that, in so far as possible, indigenous communities should have indigenous teachers, preferably from the same community. <sup>4/</sup>

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<sup>3/</sup> As the Sub-Commission knows, the following 11 countries were visited: Australia, Bolivia, Brazil, Canada, Guatemala, Malaysia, Mexico, New Zealand, Paraguay, Peru and the United States.

<sup>4/</sup> In this connexion, see para. 246 below.

14. Indigenous populations in all parts of the world are increasingly becoming aware of and taking action to defend their cultural values and patterns against cultural homogenization programmes and policies entailing the disappearance of their own culture and language. Public education systems whose purpose is "de-Indianization" and policies designed to eliminate indigenous languages or relegate them to a position of secondary importance, which exist in most States and have often been inherited from their colonial periods, have been questioned and strongly resisted. There has been increasing emphasis on the need for full recognition of the multilingual and multicultural nature of the countries in which indigenous populations live and for the adoption of policies which allow and encourage the preservation, development and spread of the ethnic specificity of such populations and its transmission to future generations. One aspect of this is that indigenous languages have to be preserved, defended, strengthened and where necessary, revitalized and promoted.

15. In this connexion, mention should be made of the relevant parts of some resolutions adopted at recent meetings of representatives of indigenous populations. 5/

16. The Declaration of Barbados II 6/ contains the following provision which is relevant in this connexion: "We must preserve and reinforce forms of internal communication, the language of each group, at the same time creating a means of communication between peoples in different languages and preserving basic cultural patterns, especially in the education of each group" (strategies, paragraph (E)).

17. At the First Inuit Circumpolar Conference in 1977, 7/ representatives were requested to call upon the Governments of Canada, the United States and Denmark to co-operate with the Conference to establish mutual exchange programmes in fields such as education and language (resolution 77-12, single operative paragraph). 8/ The Inuit language will, of course, be the official language at future meetings of the Conference (resolution 77-04, second operative paragraph). 9/ Provision was also made for exploring the possibility of establishing an Inuit common writing system (resolution 77-04, first operative paragraph, subparagraph 5). 10/

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5/ See also the resolutions of the International Congresses of Americanists, document E/CN.4/Sub.2/476/Add.5, para. 140 (a-ii), (b-i), (f-i) and (i-iv).

6/ Document E/CN.4/Sub.2/476/Add.5, annex II, p. 2.

7/ The Second Inuit Circumpolar Conference was held in June-July 1980. The Special Rapporteur does not yet have the relevant documents which would enable him to quote the resolutions of interest.

8/ Document E/CN.4/Sub.2/476/Add.5, annex I, pp. 7-8.

9/ Ibid., p. 4.

10/ Ibid., p. 3.

18. At a recent meeting of representatives of indigenous peoples in South America, which was held at Cuzco in February-March 1980, the following resolution was adopted: 11/

"IV. NATIVE LANGUAGES

Considering

That, before the European invasion of 1492, our peoples had their own languages, which were technically and scientifically structured and reflected the Indian vision of the world;

That, as a result of the European invasion, our languages were denied their true social and political importance by the official imposition of the conquerors' neo-Latin 'dialects';

That, in the various countries of the continent today, there persists a deliberate segregation of the Indian languages which is seriously harming the inhabitants, who are unable to communicate as a result of the haughtiness of the inheritors of the conquest;

That, despite the invaders' brutality and the systematic aggression, the native languages still form a comprehensive system of communication and transmission of culture both in time and in space;

Resolves

1. To revitalize and promote the use of our own languages as natural media of communication and transmission of cultural values;
2. To reject any form of linguistic aggression designed to bring about the destruction or distortion of our linguistic wealth;
3. To request official status for the native languages to ensure that they receive the respect and consideration they deserve from a society which discriminates against Indians."

19. In so far as the incomplete and limited information available permits, reference will be made in this chapter to various aspects of the right of indigenous populations to use their own languages in carrying out their public and private activities.

20. An account will be given of the situation in the countries covered by the study with regard to the use by indigenous populations of their own languages in their private life, social relations, religious services, public meetings and local trade and industrial activities.

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11/ Primer Congreso de Movimientos Indios de Sud América, Ollantaytambo (Cuzco, Peru), 27 February-3 March 1980. Mita Publications, Paris, France. The resolutions adopted by the Congress appear on pp. 153 to 162 and the resolution quoted here, on pp. 149 and 150.

21. The State has not taken any particular interest in regulating such uses of indigenous languages, which involve the exercise of a fundamental right, because the authorities hoped that, within a short time, these languages and the desire to use them would disappear. The reality has been very different: the indigenous languages have survived and flourished despite years and sometimes centuries of systematic aggression and penetration.

22. Reference will then be made to the use of indigenous languages in the communications media, which is important in terms of society as a whole and as a means of documenting the continuing existence of these languages and vital to these languages themselves as a means of spreading and preserving them as living languages used daily by large sectors of the population. It is of particular importance to the people who speak these languages to have various materials in them.

23. One difficulty here is that one of the other functions of the official language is that the mass media have to use it as one of their languages - usually as their main language. The mass media have occasionally been required to use the official language exclusively. Although such measures are usually directed against foreign languages, they may create legal difficulties for the use of indigenous languages in the media. One part of this chapter refers briefly to the use of indigenous languages in the daily press, periodicals, books and various other publications and in radio and television. Mention is also made of the use of such languages in tape and gramophone recordings of various kinds.

24. There follows an examination of the rules which govern the use of indigenous languages by the State in the exercise of its basic functions or by indigenous populations in their dealings with the public authorities and the bodies administering justice.

25. Reference will also be made to the attitude of the State towards such matters and to its use of indigenous languages in the performance of its functions and in public education, as well as to the arrangements made to enable indigenous populations which do not speak the official language fully to exercise their civil rights in their dealings with the administrative authorities and bodies responsible for the administration of justice.

26. A description will also be given of activities designed to encourage the systematic study of vernacular languages by non-indigenous persons and the technical and scientific study of these languages by private bodies and the State with a view to increasing knowledge of them and developing them in order to adapt them to the purposes proposed.

27. The chapter will then focus on the teaching of the official language to indigenous populations and on their access to the official language once they have learned it so that they can practise and master it to the extent they desire.

28. Before concluding this introduction, the Special Rapporteur should point out that the policies followed by many States have consistently been based on the assumption that indigenous populations, cultures and languages would either die out naturally or be absorbed by other population groups and "national cultures". It was



hoped that perhaps even before that, the indigenous languages would die out as a result of the pressure, quality and attractiveness of the official languages - international languages which were supposed to have advantages of all kinds, both real and imaginary, and to be particularly well suited to science, technology, art and civilization. Little emphasis was therefore placed on State plans for the teaching of indigenous languages and their use as languages of instruction in the early stages of education. That was thought to be contrary to the best interests of society because it might endanger national unity and it was feared that it would inevitably lead to linguistic isolation and to excessive social and political fragmentation.

29. It is now believed that such policies, which in some cases were followed for centuries, were, to judge by the facts, ill-founded. Although some peoples and their languages have died out for various reasons, most of them have survived. The presence of indigenous peoples and languages is strongly felt in many parts of the world. These groups are defending their languages with determination and tenacity. The linguistic deadlock is practically the same as before. In addition, many contemporary experts question and deny the supposedly undesirable effects - namely, insularity and competing micronationalism - of promoting indigenous languages. It is now being affirmed that diversity in itself is not contrary to unity. It is also said that uniformity does not necessarily produce the desired unity. Indeed, artificially produced uniformity may be a source of weakness and hostility, while there may be strength in co-ordinated diversity within a multifaceted but harmonious whole, based on respect for the particular characteristics of each component.

30. In this connexion, it is considered useful to quote the following statement made by experts at an important international meeting a few years ago: 12/

"(c) The meeting pointed out that there is no basis in fact for the view that a multiplicity of national languages is an obstacle to national unity. Indeed, the experience of other countries shows that it strengthens national unity. The choice of a language for national development necessarily places those whose language is not chosen at a disadvantage and privileges those whose language is chosen. Unless such a policy is implemented very wisely, it may be a divisive, rather than a uniting, factor."

31. It is now said to be unrealistic to believe that one language is better suited than another to culture, science, art and civilization. Every language is as suitable as any other for use as a medium of communication. Languages which, for various reasons, have had less contact with current advances in various modern fields of human know-how and endeavour may easily be brought up to date. Scientific and technological terms have been formed from Greek and Latin words and have come to be used in all "developed" languages. It is not difficult to incorporate them

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12/ UNESCO, Final Document, Meeting of experts on the use of the mother tongue and the preparation of alphabets for literacy, Ibadan, 1964.

in other languages. The use of indigenous languages in teaching reading and writing or, at least, at certain stages in the education of those who speak them is simpler and ultimately more effective and economical because instruction is given in a language which the pupils know, not in one which they first have to learn.

32. For all these reasons, there is now a trend towards change and many countries are questioning the virtues of the methods followed until recently and approaching these matters from the point of view of cultural and linguistic pluralism. The use of indigenous languages often means that they must be developed as modern languages, something which, according to the experts and as has been pointed out, is not technically difficult or costly. As has also been stated, teaching pupils to read and write and providing them with primary education in their own indigenous languages is easier, more economical and more effective.

33. Thus, the time has perhaps come, as some States have acknowledged, for countries with large groups of indigenous-language speakers to rethink their linguistic and cultural policies and place them squarely on a course designed to ensure respect for and recognition and use of these languages.

34. Of course, this chapter makes no claim - far from it - to cover all the important questions raised by indigenous languages as they relate to the culture and life of indigenous populations and the other languages with which they coexist in the countries covered by the study. This is an extremely complex topic that cannot possibly be dealt with fully in this chapter, particularly in view of the above-mentioned incompleteness of the data made available in connexion with the study. Moreover, the chapter in no way sets out to prescribe or even suggest linguistic policies to be adopted by States - something which must be done by each one of them on the basis of their own situations and policies - but it is to be hoped that such policies will be duly taken into account. What it has been sought to do in the chapter is to review the measures taken and to consider the views in favour of and against certain solutions and positions and the importance of the issues at stake.

35. The chapter on conclusions, proposals and recommendations will contain the conclusions which seem to have emerged clearly from the review of the information used. On the basis of the available data, proposals and recommendations will also be made in that chapter for measures deemed essential to ensure respect for the human rights and fundamental freedoms of indigenous populations as far as language is concerned. In the hope of having a more complete over-all view and of being able to reconsider these matters in the light of the other chapters of the final report, these proposals and recommendations are not referred to in the present chapter.

36. Thus, this chapter merely examines the relevant points to emerge from the information available to the Special Rapporteur in connexion with these matters. He is fully aware that it only touches on some of the important aspects of this complex problem. He hopes at least to have described some of the aspects of the problem which have a bearing on indigenous populations and their treatment on an equal footing with other segments of the population, for these are, as has already been pointed out, elements that are important to the assertion of their human rights and fundamental freedoms as far as language is concerned.

B. Recognition of indigenous languages by the State

1. Initial remarks

37. Except in a few cases and for limited purposes, the State has not granted indigenous languages formal recognition of any kind. This situation has nevertheless begun to change in the past few decades and previous policies on the matter are now being seriously reconsidered.
38. Determination of the language or languages in which the authorities are to conduct their business, in which all official documents are to be drafted and which is to be used in all the normal affairs of civic life is always a matter of concern to the State. This does not give rise to major problems in countries which are highly homogeneous, but it does in multi-ethnic, pluricultural and plurilingual countries - i.e. all the countries inhabited by indigenous populations.
39. During the historical process of nation-building, a particular language, usually that of the segment of the population which gains supremacy and imposes itself socially, politically and militarily on other segments in various regions and whose language dominates the other languages or dialects in the country, becomes, because of these extra-linguistic factors, the language of highest standing and, ultimately, the official language. Official recognition is of great importance to this and the other languages spoken in the country because, whether or not it is provided for in the Constitution or other basic law, such a selection means that this privileged linguistic instrument will be used in the various activities of the State. This official language will be used by the State in the performance of all its functions and its use will be required in all official business, in public education and in the courts of law.
40. At the end of the colonial dependence to which they were subjected for varying lengths of time, the peoples of many of the countries covered by the study faced the problem of having to decide which language would henceforth be the official language of their new States. During this process, what became the official language - either the single official language or one of them - was often the language introduced by the colonizers. In a few cases, a national language was chosen. By contrast, the indigenous languages, i.e. the languages which existed in the country before the beginning of foreign domination, were often relegated to the status of vernacular languages; they usually had no specific privileges of any kind, but were, in many cases, given an increasing number of auxiliary functions, which will be studied below.
41. When a country has overseas territories in other parts of the world, its official language becomes that of those territories, either as a single transferred language, as in the French department of Guiana, or on the basis of sharing with the local language, as in the case of Danish and Greenlandic in Greenland, Denmark.
42. In many countries, the language of the former colonizers has been kept as the official language, as in the case of Spanish in Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Venezuela; English in Australia, Guyana, New Zealand, the United States and Canada (along with French); Portuguese in Brazil; and Dutch in Suriname.

43. Other countries have chosen one or more national languages in addition to English, the language of the former colonizers. Thus, English and Bengali are used in Bangladesh; English and Burmese in Burma; English, Hindi and other languages in India; English and Malay in Malaysia; English, Urdu and other languages in Pakistan; and English, Sinhalese and Tamil in Sri Lanka.

44. In some countries, although the official language is a national language, some official use is made of the language of the former colonizers, as in Laos, where French is used to some extent as well as Lao, and in the Philippines, where English is used to some extent as well as Tagalog.

45. In Indonesia, the official language is Bahasa Indonesia (Indonesian language).

46. In countries such as Finland, Japan, Norway and Sweden, the official language is the national language, i.e. Finnish, Japanese, Norwegian and Swedish; though, in Finland, Swedish is also an official language.

## 2. Recognition as official languages

47. According to the information available to the Special Rapporteur on this subject, there is, at present, no country in which indigenous languages or one indigenous language, in cases where one is predominant, are formally recognized as official State languages. As will be seen below, there are some countries which have announced their intention to proclaim the indigenous language of the country or the main indigenous language as an official language throughout the country (Chile, New Zealand) or in an autonomous region of the country (Greenland, Denmark), but none has yet done so. There is, moreover, one country in which such recognition has been formally granted (Peru), but in which the situation in this respect is not clear at the time of writing this chapter. The information available on this subject is reproduced below.

48. The Government of Chile reports that "the State does not recognize the indigenous languages. There is a study concerning the declaration of Mapuche as an official language, not as a necessity for the development of the indigenous population, but, rather, for the purpose of cultural preservation."

49. It seems that in the other two cases in which it is intended formally to declare an indigenous language an official language - i.e. Maori in New Zealand and Inuit in Greenland - this action will be taken in recognition of the importance of these languages and for practical purposes which will benefit the country in general and the development of these languages in particular as important components of the indigenous cultures of the countries (New Zealand, Peru) or the autonomous region (Greenland, Denmark).

50. The following was included among the conclusions and recommendations contained in the report of the Commission on Home Rule in Greenland (Denmark): 15/

"As a separate issue, the Commission has also dealt with the language problem, having found it important that in connexion with the introduction of Home Rule the Greenlandic language should be given formal acknowledgement as the principal language in Greenland. The Commission has, therefore, recommended that firstly, provision should be made for Greenlandic to become the principal language in Greenland and secondly, that really thorough instruction must be provided in the Danish language. Finally, the Commission has recommended that the two languages be given equal status in public relations." . . . .

51. In New Zealand draft legislation introduced into the New Zealand Parliament is directed at providing for the recognition of the Maori language as one of the official languages of New Zealand. It would also provide for setting up in the Maori Affairs Department a service for the translation of important material.
52. In India the Federal Constitution contains provisions to the effect that "the Legislature of a State may by law adopt any one or more of the languages in use in the State... as the language or languages to be used for all or any of the official purposes of the State (art. 345, first paragraph).
53. The Constitution of India also makes provision relating to languages spoken by a section of the population of a State in the following terms: "On a demand being made in that behalf the President may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language spoken by them to be recognized by that State, direct that such language shall also be officially recognized throughout that State or any part thereof for such purposes as he may specify." (art. 347).
54. A special officer for linguistic minorities has been provided for in the Federal Constitution. This officer is to be appointed by the President of India.
55. It shall be the duty of this special officer to investigate all matters relating to the safeguard provided for linguistic minorities under the Constitution of India and he shall report to the President upon those matters at such intervals as the President shall direct, and the President shall cause all such reports to be laid before each house of Parliament, and sent to the Governors of the States concerned (art. 350-B).
56. Under these provisions tribal languages of certain importance could benefit from such directives as those contemplated in articles 345, 346 and 350-B and become for a State, or for a region within a State, an official language. No confirmed information is available on whether any such tribal languages have been recognized in this status, however, but the provisions that make it possible for this to happen were considered to be of enough importance to discuss them in this connexion.
57. On 28 March 1975, Peru enacted Decree-Law No. 21,156, which recognizes Quechua as an official language of the Republic and reads as follows:

"Considering:

That it is the aim of the Revolutionary Government of the Armed Forces to provide the least favoured sectors of the population with higher standards of living compatible with their human dignity by, inter alia, reforming the country's cultural structures, promoting the integration of Peruvians and thus strengthening national awareness;

That the Quechua language is part of the ancestral heritage of Peruvian culture, the essence of which must be protected by the State, and that it is now the natural medium of communication of a large part of our population;

That, because they have no direct access to knowledge of the laws and cannot appear before agencies and departments in the national public sector because of their language, vast sectors of the population are unaware of their obligations and limited in the exercise of their rights, to the detriment of the principle of equality before the law;

That the Revolutionary Government has a moral obligation to preserve our native language as an essential means of bringing about national unification;

By the powers invested in it;

And with the approval of the Council of Ministers;

The Revolutionary Government enacts the following Decree-Law:

Article 1. Quechua shall be recognized as an official language of the Republic on an equal footing with Spanish.

Article 2. As from the beginning of the 1976 school year, the teaching of Quechua shall be compulsory at all levels of education in the Republic. The Ministries of War, the Navy, the Air Force, the Interior and Education shall be responsible for the implementation of this provision and all the provisions contained in Decree-Law No. 19,326 shall remain in force.

Article 3. The judicial power shall adopt all necessary measures to ensure that, as from 1 January 1977, legal proceedings in which the parties speak only Quechua are conducted in that language.

Article 4. The Ministry of Education and other sectors shall be responsible for ensuring the preparation and publication of dictionaries, texts, manuals and other documents necessary for the full implementation of this Decree-Law.

They shall also provide all necessary support for institutions engaged in research into, and the teaching and promotion of, the language in question.

Article 5. All legal provisions which are contrary to this Decree-Law are hereby repealed."

58. There have been persistent reports that this Decree-Law is not being given any practical effect in Peru at the present time. It has not been possible to determine whether such reports are true or to find out whether this Decree-Law has simply not been applied, either in whole or in part, or has been formally repealed. Efforts will be made to determine exactly what the current situation is with regard to the validity and practical application of these very important provisions and the relevant information will be provided in the final report.

3. Recognition as national languages or as integral parts of national culture

59. There are systems in which some indigenous languages have not been given the status of official languages, but have been constitutionally recognized as "national languages" and as "integral parts of the national culture".

60. For example, articles 1 and 27 of the Constitution of Ecuador give the following special privileges to the indigenous languages: "Quechua and other indigenous languages shall be recognized as integral parts of the national culture". "In schools set up in areas where the population is predominantly, indigenous, Quechua or the other indigenous language concerned shall be used in addition to Spanish."

61. Specific information is lacking on the practical effect of these provisions, which have only recently been adopted.

62. In Paraguay, article 50 of the Constitution provides that "the national languages of the Republic shall be Spanish and Guaraní, with Spanish being used officially" and article 92 provides that "the State shall protect the Guaraní language and promote its teaching, development and improvement". It should be understood that the reference is to the Guaraní known as "Paraguayan Guaraní" and not to "indigenous Guaraní" (or classical Guaraní), which has also been mentioned. According to information from a non-governmental source, "Paraguayan Guaraní is officially recognized as a 'national language' (to be distinguished from the 'official language', Spanish)". This source adds that, despite such recognition, the Guaraní language has been treated with some disdain: 14/

"However, in spite of its continuing importance and the positive value given it by many citizens, Guaraní is and has been the object of considerable disdain. Many urban Paraguayans feel that Paraguay's progress is impeded by the widespread lack of knowledge of Spanish and by the continuing use of Guaraní. Monolingual speakers of Guaraní are often the object of a series of pejoratives. The man who controls only Guaraní is called a Guarango (country-bumpkin, boor), he is thought to be menos inteligente (less intelligent), menos desarrollado (less cultured), and no tiene principios (without principles). Monolingual speakers of Guaraní even refer to themselves as tavi (stupid) because they are unable to speak Spanish. The continuing use of Guaraní is often seen by literary scholars as an important factor in the dearth of Paraguayan Spanish literature. Guaraní is said to entorpecer la lengua (dull the tongue). This fact then serves to explain Paraguayan inability to speak or write effectively in Spanish."

4. Use as auxiliary languages: general declarations

63. In other countries, although indigenous languages have not formally been given any special privileges, they play an important role as instruments for teaching persons who do not speak the official language to read and write in their mother tongues or as auxiliary languages of instruction in the early stages of public

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14/ Joan Rubin, "Language and education in Paraguay," in: Language Problems of Developing Nations, John Wiley and Sons, New York, 1968; p.479.

education, as will be seen below. 15/ With regard to other countries, it is known only that these languages are used for this purpose, but there is no information on the legal basis for such use. 16/

64. In still other countries, general declarations have been made concerning the importance of indigenous languages to the State and the specific obligations created for it in this respect. Examples are to be found in the following statements made by Burma, Costa Rica and Mexico: 17/

65. In Costa Rica, article 4 of Act No. 5251 of 11 July 1973 establishing the National Commission on Indigenous Affairs provides that:

"The basic objectives of the National Commission on Indigenous Affairs shall be:

...

(d) To foster knowledge of indigenous affairs in order to create awareness of them and thus be able to stimulate interest in the study of indigenous cultures and, in particular, of indigenous languages, whose use and study shall be actively promoted." (Emphasis added by the author).

66. Information was lacking on any measures taken to give effect to the provisions of article 4 of Act No. 5251. The Special Rapporteur requested the Government to provide information on such measures, but has received no relevant information of any kind.

67. In Burma the official policy toward indigenous populations in Burma expressly recognizes that "all nationalities have the right to work for the preservation and development of cherished culture, religion and customs, but that any action that would adversely affect national security should be avoided."

68. It has been pointed out further that the Government of Burma continued to recognize that the national groups could freely preserve and develop their language and culture as long as they did not adversely affect the unity of the nation.

69. It has been reported that as a result of this policy, "local languages" are used for teaching purposes in certain districts and that small portions of radio newscasts are in indigenous languages.

70. The Government of Mexico stated that, with regard to the recognition of indigenous languages by the State, the National Institute for Indigenous Affairs has the specific objective of promoting respect for, dignifying and disseminating Mexico's indigenous languages.

71. Indigenous languages are used in the early stages of education and are the subject of the kind of technical study which such use requires.

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15/ For example, in Australia, Bolivia, Brazil, Canada, Colombia, Denmark, Finland, Guatemala, Guyana (an isolated case), India, Indonesia, Laos, Malaysia, Mexico, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Sweden and the United States.

16/ For example, Guyana (an isolated case), Laos and Pakistan.

17/ In Burma and in Mexico, such statements have been translated into practical measures but this is not the case in Costa Rica, where indigenous languages are used neither in the early stages of public education nor in other areas of importance to the indigenous populations.



C. Use of indigenous languages in non-official matters

72. The available information on this question indicates that indigenous persons are free to use their own languages as they please in non-official matters. The information provides no example of a legal restriction or formal prohibition of the right to use their own language in their private relations which they have under the provisions of article 27 of the International Covenant on Civil and Political Rights. Brief reference is also made to certain practices, which are generally said to have been eliminated, whereby indigenous persons, and especially schoolchildren, were in certain circumstances discouraged from using their own languages to communicate with each other.

73. Information contained in statements on this point - whether stemming from Governments or from non-governmental sources - generally stresses the freedom of people 18/ or specifically of indigenous people 19/ to use, as they may desire, their own language 20/ in non-official matters. 21/

74. Some statements report an absence of any impediments, 22/ limitations, 23/ restrictions 24/ or obstacles, 25/ any law that hinders, 26/ or of any "prohibition or prevention" of the use of the language or languages mentioned in the respective formulation. 27/ Others affirm the existence of the freedom to use the language or

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18/ Whenever this is not left in abstract terms - as in Bangladesh or Canada, merely referring to the use of language - formulations like the following are used: "a person" (as in India), "people" (as in the Philippines), or in less ample terms "citizens" ("American citizens" as in the United States).

19/ Referred to as "indigenous populations" (as in Mexico, Panama, Costa Rica), "indigenous persons" (as in Chile), "the Lapps" (as in Finland, Sweden), "aboriginals" (in Australia), "the Maori" (in New Zealand).

20/ Described in general terms as "any language a person chooses" (as in India), "whatever language they chose" (as in the United States), "whatever language is convenient, will facilitate, accomplish or achieve the purpose" (Philippines). In less ample terms referring to: "any other language" (as in Malaysia - meaning other than the official language), "their own language" (as in Australia, Costa Rica, Chile), "their mother tongue" or "aboriginal languages" (as in Panama), "Lappish" (as in Finland, Sweden), "Maori" (New Zealand), "dialect" (as in Bangladesh).

21/ Whenever this is not left in abstract terms (as in Finland, Sweden), this is referred to as: "otherwise than for official purposes" (Malaysia), in "non-official transactions" (as in Guyana), "informal transactions" (as in Bangladesh), "private relations" (as in Australia, Canada, Costa Rica, Chile, Mexico, New Zealand, Paraguay, United States), "everyday life, in public, in assembly" (as in India), "in their personal relations, in their congresses" (as in Panama).

22/ As in Canada, Chile, Mexico, New Zealand, Sweden.

23/ As in Canada, Chile, Mexico, New Zealand, Sweden.

24/ As in Australia, Bangladesh, Canada, Chile, Mexico, New Zealand, Paraguay, Sweden, Guyana.

25/ As in Chile, New Zealand, Sweden.

26/ As in India.

27/ As in Malaysia.

languages referred to, with different formulations. 28/ For the sake of giving a clear idea of how all these elements combine in the particular formulations, it is deemed indispensable to reproduce those statements, grouping them as statements of a "negative" or "positive" approach. 29/

75. Statements using the "negative approach" include the following. The Government of Bangladesh reports that there is no restriction on the use of dialect in informal transactions. In Guyana there is nothing to indicate that the use of Amerindian language, in non-official matters, is restricted. The Government of Canada has stated that there are no impediments, limitations or restrictions on the use of indigenous languages in private relations. The Swedish Government has communicated that no impediments, limitations, restrictions or obstacles exist in regard to the right to use the Lappish language. The Government of New Zealand states that there are no impediments, restrictions or obstacles of any kind whatsoever affecting the Maori population in the use of their own language in their private relations. The Government of Chile states that "no prohibitions, limitations, restrictions or obstacles of any kind are imposed on indigenous persons ... in the exercise of their right to use their own language in their private relations", and adds that "for this reason, there are no measures of protection in this respect against prohibitions, limitations, restrictions or obstacles of any kind, since such measures are unnecessary".

76. Some statements make reference to "legal measures". Thus, it is stated that in Paraguay no legal restrictions are imposed on the use of indigenous languages in private relations. The Australian Government has stated that no legal, administrative or other restrictions have been placed on the right of Aborigines to use their own languages in their private relations. No measures of protection against such restrictions have therefore been considered necessary. In India there is no law which hinders the use of any language a person chooses in everyday life or in public or in assembly, which would not include Parliament or the Legislatures of States, for which there are special rules.

77. According to information supplied by the Government of Panama, that country's indigenous population is free to use its mother tongue in its personal relations. The indigenous language is widely used, inter alia at indigenous assemblies, which are held with the assistance of Government authorities and in which interpreters into Spanish are used.

78. In one country, the Government's statement is supplemented by a fundamental law which provides for the encouragement of the use and the study of indigenous languages. The Government of Costa Rica states that no limitation or restriction is imposed on indigenous populations in the exercise of their right to use their own language in their private relations. Moreover, it should be noted that in accordance with article 4 (d) of Act No. 5251, the National Commission for Indigenous Affairs "shall encourage a wider knowledge of indigenous affairs with a view to creating an awareness of them and in this way stimulating interest ... particularly in indigenous languages, the use and study of which shall be actively promoted". 30/

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28/ As "can use" in the United States: "are completely free to use", as in Finland.

29/ As is explained in paragraph 82 below, the statement concerning one country combines the "negative" and the "positive" approaches here described.

30/ As already stated in paragraph 66 above, no information is available about possible measures for implementing this provision.

79. In another country, the relevant provisions of the Constitution have been confirmed by information from non-governmental sources and Government statements. The Government of Malaysia has transmitted non-governmental statements according to which in that country "there is nothing to stop anyone from using his own language in everyday life". The Government has also transmitted the following comments made by the Department of Orang Asli Affairs in this respect and which read as follows:

"1. To the knowledge of this Department no attempt has ever been made to persuade or prohibit Orang Asli groups from using their own languages as fully as they wish in all aspects of their personal and private lives. This is of course apart from the fact that the medium of instruction in all departmental schools is "Bahasa Malaysia" (Malaysian Language). However it should be pointed out here that this Department has no reason to believe that this is not perfectly acceptable to all Orang Asli groups, and in fact no Orang Asli group has yet requested that any part of the present primary school curriculum be taught in a language other than Bahasa Malaysia. In fact this question has never been raised by the Orang Asli either formally or informally.

"2. Since no agency either governmental or likewise has ever suggested that Orang Asli should not make full use of their own languages, or that such use should be limited in any way, there seems to be no need to protect what in fact has never been threatened. This is hardly surprising in a country where a large number of Malay languages i.e. Javanese, Buginese, Archinese etc., some 9 Chinese dialects, some 7 Indian languages, and also the Thai language are in constant use amongst private citizens.

"3. This Department therefore feels that all Orang Asli groups enjoy exactly what the constitution of the country specifies and that any question of a need to make operative the provisions of the constitution on such a matter is academic to say the least."

"152. National language

'(1) The national language shall be the Malay language and shall be in such script as Parliament may as law provide:

'Provided that:

'(a) no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning any other language; and

'(b) nothing in this Clause shall prejudice the right of the Federal Government or of any State Government to preserve and sustain the use and study of the language of any other community in the Federation."

80. Statements using the "positive" approach are the following.

81. According to the Government of the United States "all American citizens can use whatever language they choose in private relations". The Government of Finland states that "the Lapps are completely free to use Lappish in their private relations".

82. In a somewhat more comprehensive statement combining what have been called the positive and the negative approaches described above, the Government of the Philippines has stated that "there are no restrictions or prohibitions for the use of any language in private life, social relations, religious services, public meetings, commerce and industry, newspapers, books, periodicals and private radio and television broadcasts. In non-official matters whatever language is convenient will facilitate, accomplish or achieve the purposes, is used by the people."

83. No statements of this sort are available in relation to a number of countries. In the light of legal provisions and/or arrangements to use these languages in public schools, coupled with the absence of reports on the lack of freedom on the part of the indigenous populations in this regard it may, however, be assumed that the indigenous populations suffer no impediments, limitations, restrictions or obstacles in the use of their own languages in their private relations.

84. In the case of some of these countries for which no statements of this kind are available among the information collected for this study - for instance, Bolivia, Brazil, Guatemala and Peru - the Special Rapporteur, during his visit to these countries in connexion with the study, asked indigenous persons, groups and leaders whether that freedom existed and was invariably informed that it did exist in private relations. <sup>31/</sup> There is also supplementary information in these countries. In Peru, the use of vernacular languages as a means of communication and cultural expression has been recognized in legal texts, which provide that care shall be taken to preserve and develop such languages and that they should even be used as a vehicle for education. (In this connexion, see articles 12 and 98 of the General Education Act, referred to in paragraphs 252-254 below.) It should be added that Decree-Law No. 21,156 recognized one of the indigenous languages, Quechua, as an official language of the country on an equal footing with Spanish, provided for its use in the law courts and made its teaching compulsory at all levels of public education. As is said elsewhere in the report the latter provisions seem to have remained without practical application up to the present time. <sup>32/</sup> Indigenous persons in Guatemala communicate with each other in one or more of the 23 languages of pre-Spanish origin which are widely known and used for educational and cultural purposes. (In this connexion, see articles 9 and 60 of the National Education Act, referred to in paragraph 250 below.) In Bolivia, too, a number of indigenous

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<sup>31/</sup> At the same time, in these countries, as in the others which were visited in connexion with this study (Australia, Canada, Malaysia, Mexico, New Zealand, Paraguay and the United States), all indigenous groups complained that the State was not making sufficient use of indigenous languages or giving them the recognition they deserved. See paras. 11-13 above.

<sup>32/</sup> See para. 58 above.

languages are spoken as a means of communication between members of the various linguistic groups, and the Education Code provides for the use of some of these languages in education (see paragraphs 245 and 246 below). In Brazil, there are a number of groups living in isolation and communicating with each other in their own languages; other groups live in areas which are also inhabited by indigenous groups speaking other languages or by Portuguese-speaking groups. Act No. 6001 (Statute concerning the Indians) authorizes persons who are learning to read and write, either in their own language or in Portuguese or in both, to use the language of the group to which they belong (see paragraph 247 below).

85. A very similar situation exists in Ecuador, where the Constitution recognizes the indigenous languages of the country as elements of national culture and provides for those languages to be used in the schools in areas where the majority speaks an indigenous language (see paras. 60-61 above). The Special Rapporteur is able to confirm this fact, since Ecuador is his own country.

86. Honduras offers a similar case of the constant use of indigenous language among members of certain indigenous groups. Although the Special Rapporteur did not visit Honduras and has no personal knowledge of the situation in that regard, he has received reports about the existence in that country of groups speaking an indigenous language in which they communicate with each other. There is some specific information about the Jicaques, about whom it is said that although the majority of male adults speak a little Spanish, "all indigenous persons speak Jicaque among themselves".

87. Likewise, in the absence of any explicit statements of the kind considered in paragraphs 73 to 82 above, there are strong indications that the indigenous populations use their own languages freely in their private relations in those systems where indigenous languages, or some of them, enjoy auxiliary, supplementary or full status as languages of instruction at some level in the State schools. This is the case in Laos, where the indigenous languages are used in primary education in State schools. In Indonesia local languages seem not only to be in general use, but they also seem to be used as complementary languages of instruction. Use is made in Norway of the same language in school instruction and in church.

88. Turning now to instances of non-encouragement or outright hindrance of the use of indigenous languages by indigenous persons in non-official matters, it should be pointed out that they generally involve some aspect of the educational processes.

89. A basic and very generalized complaint is that, during colonial times and for extended periods in the independent life of the countries concerned, indigenous languages were under constant linguistic aggression, as concerted

efforts were made to have indigenous people abandon their own languages, and make them adopt the tongue that now enjoys the status of official language of the respective countries. It is contended that, taking due account of these circumstances, mere granting of freedom now to use the indigenous languages in private relations means very little, precious as it is. In compensation for those years of linguistic persecution, which in some cases may not be altogether finished, the State should organize much-needed campaigns of language development, recovery or salvage, to make this free use become meaningful. The following information from New Zealand may serve as an example of this which, it should be stressed, is not to be construed as exclusive of that country in any way.

90. The Citizens' Association for Racial Equality states in this regard:

"There are no restrictions on the use of Maori in private relations - other than the impediment that a large part of the Maori population, especially in urban areas, no longer speaks the language."

91. During his official visit to New Zealand (June 1973) the Special Rapporteur heard similar complaints. It was the contention of many informants that the State should be doing more than it was doing to preserve the language and to assist its resurgence. Official policy, it was stated, had been responsible for the loss of Maori language by several generations. Now, it was not enough to merely allow them freely to speak it. There were whole sections of the population who had lost the use of their language and would like to regain knowledge of it. Special measures, more and better ones, were needed.

92. Other cases involve more directly aspects of educational processes associated with schools. They are also general occurrences and not to be associated exclusively with the countries yielding the examples given here. In Canada it was charged that the denominational schools formerly adopted a policy of discouraging the use of native languages but this policy has been reversed. It was reported that in boarding schools in the United States Indian children who were thus separated from their parents were forced to speak English. They were made to feel ashamed of their language and culture. It has been reported that in Panama the exception to the freedom of indigenous Panamanians to use their own languages in their private relations is "that constituted by the schools, where, in general, indigenous students are forbidden to use their own languages to communicate with each other".

D. Use of indigenous languages in communication media

1. Initial remarks

93. Indigenous languages are used in all media, but in general there are no major daily newspapers or periodicals which are published by indigenous persons themselves or which are entirely printed in these languages. On the other hand, many publications of this kind contain pages or sections in indigenous languages.

94. There are different tape and gramophone recordings which reproduce a variety of literary material spoken in indigenous languages, as well as indigenous music; many of these recordings are made for the purpose of preserving cultural manifestations which are either disappearing or in the process of change. Photographic material and cinema films are being prepared with the same object or for information purposes.

95. Radio and television broadcast programmes involving indigenous groups or designed for and aimed at them; there is no information available as to whether these broadcasts take place on days and at times when they will make a strong impression on the general public or how frequent they are.

2. Printed media

(a) Newspapers and magazines

96. Information available on this question shows that in several of the countries surveyed there exist some newspapers and a few magazines at least partially written in indigenous languages.

97. In Norway the Government runs a comprehensive information service of up-to-date information on statutes and regulations in force. The public notices addressed to the national press in this connexion are also sent to the Lappish-language publications Ságát and Nordkalott, which themselves translate as much material as they may deem necessary. Two newspapers (Nordkalott and Ságát) are issued with text partly in Norwegian and partly in Lappish. There is also a periodical Reindriftnytt (Reindeer-breeding News published by the Ministry of Agriculture) with text partly in Norwegian and partly in Lappish. The religious publication Nuorttanaste is only in Lappish, and Samenes Venn, the Lapp Missionary Society's press medium, usually includes an article in Lappish.

98. In Paraguay some newspapers and magazines publish pages or sections in Paraguayan Guaraní.

99. In Canada the Department of Indian Affairs publishes newspapers and magazines in the Eskimo and Indian languages.

100. In New Zealand ordinary newspapers and periodicals are not printed in Maori: the only exceptions are a few broadsheets or periodicals published by Maori organizations.

101. The Government states that the Maori and Island Affairs Department has for many years produced a quarterly periodical for Maoris in which both languages are used. It is added that this bilingual magazine contains "matters of interest to the Maori people".

102. In Pakistan newspapers and magazines numbered 1,200 in 1973: 19 were English-language dailies, 83 were vernacular dailies and the rest were periodicals in English and regional languages. In pursuance of the Government's objective of making the press a popular medium, English-language newspapers are becoming less predominant as the Government continues to promote the vernacular newspapers.

103. A number of newspapers are printed in a variety of languages other than Urdu and English; they are printed in Sindhi, Pushtu, Gujarati and Punjabi.

104. In Burma indigenous languages seem to be used to a certain limited extent in books and radio newscasts as suggested by the following statements:

"One of the oldest and most active of the private learned organizations is the Sarpe Kelekman Management Board. This group, formerly called The Burma Translation Society, produces, translates, publishes, and distributes books in Burmese and indigenous languages and encourages research in Burmese literature and fine arts. It was, and remains, in the forefront in providing textbooks for Burmese schools. The board also maintains a public library in Rangoon stocked with over 50,000 volumes, about 30,000 of which are in Burmese."

"Approximately two-thirds of the BBS (Burma Broadcasting Service) programmes are in Burmese; about one-third are in English; and a small or portion of the newscasts are in Shan, Karen, Kayah, Kachin and Chin languages."

105. In Sweden since 1919 the Lapps have had a newspaper of their own. It was started by Torkel Thomasson as a result of talks at a national meeting of Lapps at Ostersund in 1918 and was known at first as Samefolkets Engen Tidning (The Lapp People's Own Newspaper). It is now published under the name of Samefolket (The Lapp People). The paper's chief language is Swedish, but it has a Lappish section, in which an orthography common to Norway and Sweden has been used since 1957. Samefolket's principal aim is to reflect the changes that take place in the living conditions of the Lapps. Among the important matters which the paper deals with are those concerning organizations, conferences, State surveys and legal questions. Problems of livelihood, particularly those connected with reindeer breeding are of vital importance.

106. There are also book reviews and articles of less topical interest on such things as cultural history, living conditions in the other Nordic countries, other races, etc. The leading articles put forward the Lapps' views on various controversial subjects. The section in Lappish contains mostly stories and poems.

107. There is a general policy in this respect and under that policy a special government subsidy is granted to a Lapp periodical. It may also be mentioned, in this connexion, that a committee of Parliament found objectionable the decision of the Committee for press support to withhold a subsidy to a newspaper published in a minority language on the grounds that it was not published in Swedish.



(b) Books and other publications

108. In the data available on this matter in connexion with the present study mention is made of books, information sheets and brochures of different sorts that are issued in indigenous languages or in those languages and in the official tongue.

109. In Norway in addition, some information brochures have been issued in Lappish, for example by the National Insurance Institution some time ago on national insurance questions. The National Insurance Institution is now preparing a brochure in Lappish on the National Insurance Scheme. In Karasjok there is a Lapp library with books on Lapp conditions both in Norwegian and Lappish. This library also serves the Lapp population in Sweden and Finland, as well as in the rest of Norway.

110. In New Zealand the Education Department regularly publishes literature in the Maori language for the use of Maori schoolchildren but these are also available on a wider scale. The Maori and Island Affairs Department produces a quarterly bilingual magazine containing matters of interest to the Maori people. The New Zealand Maori Council also publishes a bilingual quarterly.

111. Most public libraries in New Zealand have a section dealing with Maori publications; the universities are particularly active at the present time in collecting material in the Maori language, both written and oral. The Auckland University has established an archive of Maori and Polynesian music where all possible resource material on Maori songs, poetry and dancing are being gathered together with a view to use not only by the university but by the Maori people and any other people interested.

112. In Mexico, the Government states, one of the most important new programmes of the National Institute for Indigenous Affairs is undoubtedly the one aimed at preserving and making better known the cultural heritage of ethnic groups and promoting an awareness by Mexican society of its own diversity. It is also claimed that the communities themselves receive the major part of the material benefits deriving from these activities.

113. According to the Government of the United States the Bureau of Indian Affairs school books are often in two languages, the Indian language that is appropriate and English. This statement has, however, been challenged in the American Indian Response to the Response of the United States of America (American Indian Law Newsletter, Special Issue No. 11, 1974, p. 41) in the sense that "It is not true that Bureau of Indian Affairs school books are 'often' in the Indian language and English - such an occurrence is rare indeed".

114. In Sweden the use of Lappish for literature has been restricted, but the written language has been used to some extent ever since the seventeenth century. In the eighteenth century, however, more literature in translation began to be published. In 1755 the New Testament appeared and in 1811 the whole Bible was published in Lappish. Other literature to be translated has been almost exclusively of a religious nature. Ever since the beginning of the present century one or two Lapp authors have written in their mother tongue.

115. In Paraguay a certain respect exists towards the indigenous Guaraní languages commonly considered "purer" versions of the Paraguayan language. Nevertheless, these indigenous languages have no printed literature (except in a very few works for specialists and except some short religious texts edited by missionaries) and no radio programme.

116. The situation is worse for non-Guaraní indigenous languages as they do not profit from the respect given to Guaraní. They are not recognized otherwise than as "dialects" one day to be substituted by Spanish or Paraguayan Guaraní.

117. There is a printed literature, of local importance, in Paraguayan Guaraní, but with only very restricted editions.

### 3. Recorded media

118. Magnetophonic and grammophonic recordings are being prepared on spoken indigenous languages like readings, speeches, story telling, traditional narratives as well as music. Only one Government mentions films and photographs in an explicit manner in the data available on these questions.

119. In Malaysia sound recordings on tape of many aspects of Orang Asli culture are kept by the Department of Orang Asli Affairs and universities in Malaysia.

120. In New Zealand the universities are particularly active at the present time in collecting material in the Maori language, both written and oral. The Auckland University has established an archive of Maori and Polynesian music where all possible resource material on Maori songs, poetry and dancing are being gathered together with a view to use not only by the university but by the Maori people and any other people interested.

121. In Australia Aboriginal languages have been studied and recorded by a variety of public and private institutions and by individuals.

122. In Mexico, under the programme aimed at establishing a system to collect elements of the cultural heritage of the ethnic groups, a project for the preparation and centralized storage of cinema films, recordings, photographs and documents has been launched in order to complete the Audiovisual Ethnographic Archives of the National Institute for Indigenous Affairs (INI) by using an internationally recognized guide (Murdok), a record that the country does not currently possess. In 1978, the professional and technical staff of the Institute plan to make an initial ethnographic survey of this kind in 82 areas, covering a total of 56 ethnic groups. In accordance with the rules laid down in the Bases for Action (INI, Bases for Action, IV (I)(2)(A), page 65), it has been decided that as soon as these materials are exploited commercially, all proceeds from them will be allotted to development programmes in the inter-ethnic regions. This cultural preservation project has been called "Ollin-Yolistli", which in the Nahuatl language means "life and movement".

123. Other INI programmes in this field are aimed at promoting indigenous music through the meetings of regional musical groups which are now being held and the establishment of a Centre for the Teaching of Traditional Music in the Mixe area.

124. In Norway the above-mentioned Karasjok library contains a collection of tapes and records. The Committee for the Promotion of Lapp Literature intends to produce a number of gramophone records/tapes with recorded readings (anthologies, etc.). There are also plans to build up a collection of tapes with recordings of discussions and meetings held by Lapp organizations. It is assumed that these will come to have a certain cultural value in future, although out of consideration for the persons involved, such recordings will not be available for public use in the years immediately ahead.

4. Radio and television

125. Programmes mentioned in the available information on this question are mainly news programmes and general information broadcasts. Some religious programmes and musical and cultural broadcasts are also briefly mentioned.
126. In Norway Lappish is also used for a regular morning news bulletin transmitted over the national radio network, as well as for a local programme every afternoon. Lappish speech or text occurs only sporadically on television. There is a separate news programme in the same language on the national network.
127. The Canadian Broadcasting Corporation, through its Northern Service, has a regular shortwave transmission of news and other programmes in local Indian and Eskimo languages. Feature programmes in a news-magazine format and musical programmes are produced in the North. Discussions have begun leading to the development of native television programmes to be broadcast by way of the new telecommunications satellite, Anik.
128. In New Zealand the national radio service provides a weekly news in Maori and one or two cultural programmes. Television provides no regular service.
129. According to the Government, under a revision of the New Zealand Broadcasting Service, special consideration is being given to Maori language programmes on radio, possibly through a broadcasting station which will be particularly devoted to the Maori and Polynesian population of the country.
130. The New Zealand Broadcasting Service, which is a Government corporation, has a Maori language news session once a week and other programmes with a Maori cultural content at intervals during the week. The Broadcasting Service is at present being restructured and it is planned to have a radio station in Auckland (which is within reach of well over half of the Maori population) which will be operated for the Maori people and other Polynesians resident in New Zealand. It will broadcast in both Maori and English and will have programmes specially catering for the Maori community. It is proposed that the governing body of this radio station will comprise predominantly Maoris with expertise in the social and cultural institutions of their people.
131. In Pakistan radio broadcasts within the country originate in 22 different languages. Television broadcasts in the vernacular as well as in English are common.
132. In Sweden there is no private broadcasting system or television company. In the state-owned broadcasting and television there are regularly programmes in Lapp and Finnish.

"Of very great informational value to the Lapps and others are the regular radio programs broadcast by the Swedish Broadcasting Corporation once a week over the network in Norrland. They have gradually increased in number and scope and pay particular attention to news concerning the Lapps and their living conditions and matters of current interest. A pharmacist in Jokkmokk, Nils Hövenmark, did valuable work for several years in editing the transmissions in Lappish, called Sámi-Sáogat.

"In July 1966 the Swedish Broadcasting Corporation engaged a special editor for the Lappish broadcasts, Maj-Lis Skaltje, whose mother tongue is Lappish.

"In collaboration with the Norwegian Broadcasting Corporation, news in Lappish has been broadcast from Tromsø over the Norrbotten network since 1965.

"During 1963/64 and 1964/65 the Swedish Radio broadcast a course in Lappish, Sami-Giella, galli-giella. The textbook was compiled by Nils Erik Hansegard. The radio extra-mural courses in Lappish are planned to continue.

"Thanks very largely to the various national congresses held in the Nordic countries, the press has taken an increasing interest in Lapp affairs. There has been a marked change from exotic reportage to a factual treatment of questions vitally affecting the Lapps."

133. In Venezuela there is a beginning of radio transmission in Indian languages, promoted by the Commission for the Development of Southern Venezuela (CODESUR).

134. In the United States of America the Government states that it has appropriated funds for radio broadcasts in Indian languages. The Federal Government has also funded Indian language radio broadcasts to give out information on health and nutrition when this has been the most effective way to reach the Indian population.

135. In Burma approximately two thirds of the BBS (Burma Broadcasting Service) programmes are in Burmese; about one third are in English; and a small proportion of the newscasts are in the Shan, Karen, Kayah, Kachin and Chin languages.

136. According to the Government of Mexico, its programme aimed at encouraging respect for and dignifying indigenous languages as elements of the national culture, not only includes activities relating to the training of language experts among the indigenous people themselves but makes provision for the establishment of radio stations broadcasting in vernacular languages, "which is a magnificent and sometimes the only, instrument for social guidance and cohesion where other media are lacking." The Chiapas Heights station is already operational and another station is being constructed on Mount Guerrero, and the headquarters of the operation is in the Tlapa Indigenous Co-ordinating Centre, from which broadcasts will be made in Tlapaneco, Nahuatl, Mixteco and Amuzgo, as well as in Spanish. Lastly, it is planned to take over operation of the radio broadcasting station Maya de Carrillo Puerto Q.Roo.

137. According to the Malaysian Government, "Radio and Television Malaysia - a Government Department - has a special radio programme for Orang Asli. This is on the air for 2 hours daily from 2 p.m.-4 p.m. and broadcasts in the 2 major Senoi languages - Semai and Temiar. One hour in Semai and one hour in Temiar. In the case of Negrito groups these are too small to warrant separate programmes and in fact a considerable number of Negritos are fluent in Temiar. In the case of Proto Malay groups, 4 of these are too small to justify separate programmes and as a whole the fluency in Bahasa Malaysia rate amongst Proto Malays is very high. However a large number of Proto Malays do in fact listen to the Semai and Temiar programmes."

138. It should be pointed out that in Bolivia the Aymara communities in the Tiwanacu region have insisted that transistor radio sets, which are now owned in great numbers by members of the community, should not lead to extensive and unwanted cultural penetration and have set up a transmitter, of low power but adequate to serve the community, which will remedy the shortcomings and counter the alienating influences of other State and non-State broadcasting stations within range (information gathered during the visit to Bolivia in 1974).

139. Further in connexion with Paraguayan Guarani it has been reported that in Paraguay there are few radio programmes in that language. Television has "lectures of Guarani" some two or three hours per week.

E. Use of indigenous languages in official matters

1. Initial remarks

140. The policies adopted by States as regards the use of indigenous languages by legislative organs, by administrative authorities and by the courts will be discussed in this part.

141. In none of the countries surveyed are indigenous languages used extensively in official matters; their use is restricted to specified activities, when permitted. In several countries indigenous languages are not used at all in official matters.

142. Communications to the administrative authorities that have been written in a language other than the official language - including indigenous languages - are not to be rejected and are to be processed. Replies to these communications using indigenous languages are allowed, under certain circumstances.

143. Certain practices concerning the use of indigenous place-names and personal names are briefly mentioned in this part.

2. In legislative assemblies

144. In several of the countries for which information on this matter is available, indigenous languages are not used by members of legislative bodies in their debates. Although there is no country in which an indigenous language has been adopted by any legislative assembly as its language or as one of its languages, use of indigenous language is not forbidden and in some countries is authorized or even provided for, under given circumstances. Members of legislative bodies can, therefore, under specified conditions use indigenous language in that capacity and when participating in the work of these bodies. Communication from non-official language-speakers can, however, be received by them in exceptional circumstances, according to need. Provision is made for interpretation and translation, as necessary.

145. Information on this matter is available only for a few countries. Among the important functions of an official language is its use in Parliament or in legislative bodies of federated entities in case of federal States. It is known that this position would prevail in many countries. Thus, for instance, the Swedish Government has simply communicated "In the Riksdag and the local assemblies Swedish is spoken". The Government of Mexico, for its part, has stated that there is no perceived need for the indigenous populations to use their own written language in legislative bodies, since these bodies do not know the indigenous languages. In cases of oral communication by indigenous groups indigenous interpreters are provided and delegates from indigenous communities, many of whom are Indians, take part in this kind of discussion. The Malaysian Government has communicated that in the case of legislative bodies the use of the Malaysian language is compulsory and is usually insisted on, unless there are overriding reasons for not doing so but this is becoming less and less frequent and, at present, is unusual. It should be pointed out here that the Government appoints a person to represent Orang Asli interests in the Senate.

146. On the other hand, according to the Government of the Philippines, there is no prohibition of the use of indigenous languages in representative assemblies, but "only the official language will have official recognition".

147. Moreover, in New Zealand the use of the Maori language in Parliament is provided for in the Standing Orders of the House of Representatives, should a Member wish to use that language. According to the Government, in recent years Maori Members of Parliament have made very little use of this provision. As all of the Maori Members of Parliament are fluent in English, they prefer to use that language in Parliament.

148. In India, although by constitutional mandate Hindi or English are to be used in Parliament, the presiding officer is empowered also by the constitution to permit any member who cannot adequately express himself in either of those two languages to speak in his mother tongue. So far as the States are concerned, the languages to be used in the legislatures are the official language or languages of the State concerned or Hindi or English. If, however, a member cannot adequately express himself in any of these languages, the presiding officer may permit him to use his mother tongue. All this, as per explicit provisions of the Federal Constitution.

149. In Pakistan some of the legislative debates at the provincial level take place in the regional tongues.

150. The Norwegian Government has communicated that, although the relevant rules governing use of language provide no authority for the use of Lappish in the legislative machinery, no prohibition can be deduced from this against the use of Lappish in communications to and from legislative bodies.

3. In administrative action and in dealings with administrative authorities

151. In some of the countries surveyed, the right of indigenous people to use their own language in their dealings with administrative authorities is guaranteed by law or other special arrangements or practices. This right usually entails translation of texts and the work of interpreters. It can also involve policy principles for the appointment of personnel having fluent knowledge of indigenous languages in the public services located in areas where indigenous persons are strongly represented in the local populations. In some countries indigenous languages do not enjoy the same situation accorded to other minority languages in these respects.

152. In Canada interpreters are used in the Northwest Territories to translate Government statements for the native people.

153. In New Zealand, Government statements are not made in Maori, except at formal Maori gatherings. The Government has reported that in the early 1970s the Minister of Maori Affairs, who was a Maori, held frequent meetings in Maori communities where both English and Maori were used. On the other hand, as reported by another source, <sup>33/</sup> in New Zealand there is little recognition of the Maori language by public institutions. Legal documents and public notices are rarely translated. In this connexion it should be noted that the draft submitted to Parliament and directed at the recognition of Maori as one of the official languages of New Zealand would also provide for setting up in the Maori Affairs Department a service for the translation of important documents. The status of this draft was unknown to the Special Rapporteur at the time this chapter was drafted.

154. The Norwegian Government states that the rules governing the use of language in the Civil Service provide no legal authority for the use of Lappish in the administration, the legislative machinery or the judiciary. It is stipulated that the written paper work in the Civil Service shall be done in Norwegian - in either 'bokmal' or 'nynorsk', which are the two official forms of the Norwegian language.

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<sup>33/</sup> The Citizens Association for Racial Equality. Information furnished in connexion with the present study as a result of the visit to New Zealand in 1973.

No prohibition can be deduced from this against using Lappish, for instance by a civil servant replying in Lappish to a letter written in that language. However, according to the circumstances, the use of Lappish in civil service documents would be contrary to statute, cf. Courts of Justice Act, Section 136 under which court records shall be written in Norwegian or accompanied by a translation. Nor is it possible to ignore the possibility that the use of Lappish in the Civil Service might imply a breach of the principle relating to public access to documents in the official administration, since it could de facto, if not de jure, represent a barrier to understanding the actual content of a document.

155. During the 1960s a trend became obvious in Pakistan towards the increasing use of the local languages, both in the lower levels of government and in education. The Language Committee of West Pakistan has undertaken a project to translate many provincial Acts, records and documents from English into Urdu.

156. In Sweden the law also provides that in their dealings with administrative authorities, non-Swedish-speaking persons are entitled to be assisted by an interpreter free of charge. Under section 9 of the Administrative Procedure Act, the administrative authorities themselves can, since the turn of the year 1971/1972 on their own initiative, appoint an interpreter to assist them in their dealings with non-Swedish-speaking persons. According to Government Bill 1971:30 this provision should be considered a recommendation to the authorities to call in an interpreter, if required. Letters written in any language other than Swedish must not be rejected by the authorities.

157. Although the language of the administration is Swedish, letters written to authorities in a language other than the official one must not be rejected by the authorities, according to administrative instructions in force. In this connexion, a central translation service has been established by the National Immigration and Naturalization Board, among others, and in about 40 places local immigration centres provide the services of interpreters.

158. A Government programme has been in operation since 1965 under which information from Government and local authorities is translated to an increasing extent into a large number of languages spoken by immigrants and linguistic minorities. In certain spheres of activity, the labour market in particular, extensive documentation is provided to minority members in their own languages.

159. According to the Malaysian Government, which transmits a statement prepared by the Department of Orang Asli Affairs, as far as is known all Orang Asli deal with administrative bodies through the medium of the Malaysian language both orally and in writing. In nearly all cases the person concerned will first obtain advice from this Department on his problem. It should be pointed out here that 75 per cent of the staff of this Department are themselves Orang Asli and are usually fluent in more than one Orang Asli language. By this means this Department will not only give advice and guidance, but usually intervene on behalf of the person with the administrative agency concerned.

160. The Mexican Government reports that in the case of oral communication with the administrative authorities in an indigenous language, arrangements are made for indigenous interpreters to be present, as the authorities do not know the indigenous languages. It also states that the attorneys of indigenous communities, many of whom are Indians, take part in this kind of arrangement.

161. In India the Government's decision in 1965 to use a so-called three-language formula had an immediate bearing on the schools. Under this formula, regardless of linguistic background, candidates for national civil service were to be tested first on their proficiency in English; Hindi speakers would then be tested on their knowledge preferably of a south Indian language; and candidates from non-Hindi areas, were to be tested on their knowledge of Hindi. Written examinations were, however, to be taken in the candidate's own tongue.

162. At the district level, whenever 60 per cent of the population uses a language other than the official one, that language may be recognized as an additional official language for that district. Knowledge of the State official languages is a prerequisite for recruitment to State services, and the option of using English or Hindi as a medium of examination is allowed. A test of proficiency in the State official languages is held during the period of probation.

163. At district level and below, where a linguistic minority constitutes 15 to 20 per cent of the population, important government notices rules and other publications are to be published in minority languages also.

164. The constitution of India provides that "every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be" (Art. 350).

#### 4. In court

165. Unfailingly, the official language of the country is the language used in court. This is one of the main functions intended in the officialization of a language, as action of jurisdictional organs and bodies is performed in discharge of one of the essential functions of the State and is a prominent aspect of official action.

166. The use of non-official languages in the courts, whenever this becomes indispensable in service of an equitable administration of justice, has been regulated by the constitution or by the law. In general these measures are directed at allowing any person (whether he is a national or a foreigner, or indigenous or non-indigenous), who is involved in a court action, to understand the proceedings in which he may be involved.

167. It is deemed appropriate to quote here the pertinent provisions of Article 14 of the International Covenant on Civil and Political Rights, which contain the general principles underlying legal provisions and State action in this respect. Bearing in mind the context of the rest of article 14, only the relevant parts of paragraphs 1 and 3 (a, b, d and f) are quoted here:

#### "Article 14

"1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law ...

"...

"3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

"(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;



"(b) To have adequate ... facilities for the preparation of his defence and to communicate with counsel of his own choosing;

"...

"(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

"...

"(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

"...".

168. It is clear that unless special measures are taken, persons who do not have a full command of the language used in court are handicapped in the representation of their own interests and suffer difficulties which should be overcome in the interest of a fair and equal justice for all. This applies whatever the kind of proceedings and in all branches of the judiciary and of any quasi-judicial bodies administering justice. It also applies irrespective of whether the person coming to court is an accused, a litigant, a witness or an expert. Its effects are felt also regardless of whether the language spoken by the person concerned is a foreign language or one of the other languages spoken in a given country, but which has not been recognized as an official language thereof. It, therefore, affects in particular citizens of the country who do not have a full command of the official language, whether they are persons of a linguistic group, members of the linguistic minorities of the country or, of course, the indigenous populations of this country. The effects of this situation are also felt out of court, especially in the delicate and complex relationship between client and counsel, both oral and written, as well as in the study and elaboration of documents that are to be submitted to court or in studying those that form the basis for the preparation of a given case.

169. A fuller discussion of the linguistic and cultural difficulties facing indigenous populations in court and out of court in connexion with the intended settling of certain contended matters before the organs administering justice will be found in the chapter relating to equal administration of justice and legal assistance.

170. Suffice it to say here that the right of indigenous persons to use their own language when appearing in court generally entails the designation of interpreters and the translation of documents.

171. Interpretation and translation services are provided for in the laws of most countries in general, and in all of the countries surveyed in criminal cases. No precise information is available on who bears the costs of interpretation and translation outside of criminal cases, where the State provides those services free of charge.

172. In a few countries other arrangements in this regard would include also the appointment of judges belonging to the indigenous group concerned or the establishment of special courts in the districts where indigenous populations live.

173. In fact, however, not always are there appropriately serious endeavours made to implement all these provisions in actual practice. Often the interpreters act in a rather perfunctory manner, in particular when the assistance is to be provided free of charge and the payment made to the interpreter is not considered adequate. In most countries for which there is information in this respect, the State provides services of interpreters and translators free of charge in criminal cases, but to a lesser extent in civil, commercial and other cases. Legal arrangements are made available to a certain extent which, judging from the many complaints made in the mass media and elsewhere by indigenous groups, do not seem to be adequate.

174. Statements discussing the situation obtaining in the different countries on which there is information in this regard are contained in the following paragraphs.

175. In New Zealand while the law provides for the exclusive use of English in court, it nevertheless requires the courts to appoint interpreters whenever a party to a suit is not versed in English. Thus, in the case of judicial proceedings a Maori has the right to have an interpreter and to have Court documents translated.

176. In the Philippines, only Tagalog is used in court proceedings, but interpreters may be provided; this shall necessarily be done whenever languages other than the official language are used or involved in the proceedings.

177. In Malaysia, according to the constitution, all proceedings except the taking of evidence shall, in principle, be in English for a period of ten years after independence and thereafter until Parliament otherwise provides. Nevertheless, in the courts any person has a right to speak in any language with which he is fully conversant and it is the duty of the courts to find the appropriate interpreter. The Government has stated that any Orang Asli appearing in a court has the right to speak in his own language. On several occasions the Department of Orang Asli Affairs has been requested to provide interpreters for this purpose and has always been willing to do so.

178. In Sweden, while the law provides for the exclusive use of the Swedish language in court, it nevertheless requires the courts to appoint interpreters whenever a party to a suit is not versed in Swedish. Under this system, extensive use of interpreters is made.

179. As an illustration of the importance of the practice, it should be mentioned that on the suggestion of the commission on immigrants, interpreters are now required to hold a university degree. A training and examination programme has also been established under the supervision of the National Immigration and Naturalization Board. In the financial year 1970/71, the costs for interpretation at the courts of appeal and city courts amounted to about 900,000 Swedish crowns.

180. In India the language of the Supreme Court and of the high courts continues to be English; but, so far as the lower courts are concerned, the language of the particular region is used for all purposes (except for the judgement or order, which has to be written in English). Under the Act of 1963, the governor of a State, with the consent of the President, may authorize the use of Hindi for the purpose of any judgement, decree or order passed or made by the high court of that State, and where such judgement, decree or order is in any other language, those texts must be accompanied by a translation in the English language.

181. In the United States, the language of the courts is English, but any person who is not conversant with this language is entitled to interpretation and translation services being provided by the court. According to information furnished by the Government, in some cases tribal courts conduct business in a tribal language and transcripts of court cases are in both the tribal language and in English. Some tribes have official interpreters who speak both the tribal language and English and who are called upon to function in particular tribal situations.

182. In Peru, under decree 21156 (1975), the judiciary was to take all the necessary steps to ensure that, as from 1 January 1977, court cases would be conducted in Quechua where the parties to them were able to speak only that language. It is not clear to the Special Rapporteur however, whether in practice these provisions are applied today in court in Peru (see para. 58 above).

5. In place names and personal names

183. The traditional names of places and of persons are of deep significance for indigenous peoples and persons. The unsolicited attribution of names, and the changing without consent of traditional names in favour of alien names from other cultures and other regions of the world, constitute at the very least an act of cultural imposition and aggression.

184. This is the view taken by the indigenous peoples themselves. In the words of a major indigenous congress, the attribution of personal names alien to indigenous culture is "an act of aggression which depersonalizes our peoples" (third preambular paragraph of the resolution on Indian place names and personal names, Cuzco Conference, 1980). <sup>34/</sup> The replacement of the original names of villages, towns, mountains, rivers, streets, squares, etc. by foreign names also constitutes cultural aggression (fourth preambular paragraph of the same resolution). <sup>35/</sup> Consequently, the operative part of the resolution resolves "to set indigenous peoples the goal of recovering and restoring personal names and place names with all their depth of meaning".

185. Although such place-name and personal-name changing practices exist in many places, only two examples of these practices are included in the information available to the Special Rapporteur. One on personal-name changing (from Paraguay) and one on place-name changing (from Norway). Without in any way suggesting that these practices are typical of, or restricted to, these two countries, a short discussion of these two cases follows.

186. To many Paraguayan Indians, the name is an inseparable part of personality and soul. But indigenous names are rarely recognized, so that many Indians are forced, against their will, to change their names.

187. Obviously against their will, the Aché of the reservation Colonia Nacional Guayakí are given the family name "Guayakí", e.g. a man called Tatúgi is now called officially Tatúgi Guayakí - although the word "Guayakí" (the common, contemptuous Paraguayan word for the Aché, originally meaning "wild rat") is, to the ears of the Aché, an offence. Moreover, recently, the aborigine Aché names have been completely forbidden. In the Aché system of religious beliefs, this means that they lose their souls.

188. The draft containing information relating to Norway that was sent to the Norwegian Government in quest of comments and supplementary data, contained the following material concerning place-names in Finnmark:

"The Norwegianization of Lappish place-names continues unabated. It may be mentioned that the regulations governing the sale of land in Finnmark demand that the land in question should be described in Norwegian; this leads to the abandonment of many good old Lappish terms."

189. In its 1975 reply, the Norwegian Government communicated:

"It is perfectly true that there used to be provisions of this nature. According to rules issued pursuant to an Act of 1965 'relating to the Transfer of State-owned Land and Real Estate in the Rural District of the Finnmark Amt' (now County) it was explicitly laid down that 'real property distributed under survey shall be given a specific Norwegian name'. Under the Act of 1965 'concerning the State's

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<sup>34/</sup> First Congress of South American Indian Movements, Ollan-Taytambo (Cuzco, Peru), 23 February-3 March 1980, op.cit., pp. 150-151.

<sup>35/</sup> Ibid.

Unregistered Land in the Country of Finnmark', this provision has lapsed, and it is stated by the Directorate of State Forests, which is in charge of the transfer of State-owned land in Finnmark, that there is no discrimination in practice in this sector either.

"The regulations in force concerning the use of Norwegian names on the maps of Northern Norway are to some extent discriminatory in relation to the Lapp population. In brief, the rules are as follows:

"If the local population uses only a Lappish name, this is entered on the map. If such a Lappish name ends in one of several specified common designations, for example "javrrre" meaning "lake", this ending shall be translated into Norwegian unless the remainder of the name contains special Lapp letters. If, however, the local population uses both a Lappish and a Norwegian name, as a general rule only the Norwegian name is entered on the map. If the Lappish name in question is of such a kind as to represent a particularly good description of the locality concerned, this too shall be entered on the map, space permitting. The Lappish name may be translated in its entirety, when its Norwegian form provides an apt name and the translation excludes all doubt as to the original name. If the translation has a close acoustic resemblance to the original, the Lappish name may be included on the map beside the translation. 'Norwegianized' forms of names, where the whole name is adapted to suit Norwegian pronunciation, shall as far as possible be used, to the extent that such forms of the names are actually in general use.

"The Geographical Survey of Norway has taken steps to have these regulations annulled, with a view to establishing the same system here as is used for the rest of the country, i.e. that in principle the name-forms to be entered on the maps must be those used by the local population.

190. On future action, the Government has stated that it will probably not be long before the regulations are annulled as planned. In this connexion it should be noted that in 1971 the Ministry of Church and Education with reference to names of postal stations recommended that the postal authorities, in cases where the name of a postal station is different in Lappish and Norwegian, should introduce parallel name-forms. At the request of the postal authorities, the matter is now being reconsidered by the Ministry. It is not yet possible to make any definite statement regarding how far the Ministry will uphold the recommendation for parallel name-forms, but if this should happen, it would presumably also influence the Ministry's attitude in regard to the question of entering double names on maps.

"It is certain, however, that the Ministry will be aware of the inherent dangers in solutions to the problems concerned with place names in Northern Norway when these might be said to imply any discrimination against the Lappish-speaking population.

"As regards the alleged Norwegianization of Lappish place names, the Ministry of Church and Education is not in possession of the necessary material to be able to pass any judgement on the question, beyond what is stated above. However, the question will be looked into in more detail and, if necessary dealt with in due course."

F. Use of indigenous languages in public education

1. Initial remarks

191. This study will not deal with the fascinating aspects of education relating to the personal development of the student in terms of his self-fulfilment, through processes which stimulate the development of his personality and abilities, the fundamental importance of which is again stressed here. It will instead focus on the transmission of culture, knowledge and techniques, and on some aspects of the impact of formal education on a pupil belonging to an ethnic group whose culture and language are not those which predominate in the school.

192. The process of informal education, whereby individuals in a community are trained to replace other members of that community, contains mechanisms which serve to integrate the individual in his society and prepare him for life as the community knows it. It consists mainly of learning the language, Weltanschauung and life-styles of the group, as well as its values, techniques and attitudes, which are acquired without apparent effort in the course of daily life.

193. The process of formal education involves the transmission of some of the components of the group's culture, including the knowledge, techniques, arts and values which constitute the content of the education system; these become increasingly complex and specific with each successive stage of education. Initially, it prepares individuals for life; it ends up training them as highly specialized technicians and scientists.

194. The formal education which a person receives always comes in addition to his informal education, which is a life-long process. In societies which do not have institutionalized education, the informal educational process often includes aspects of formal education, although these are less plentiful and less varied than in societies where it has been institutionalized. In communities where there is little or no writing, informal education prevails and reaches its highest levels. Communities which have a marked division of labour and are highly complex industrially and commercially attach so much importance to formal education that it becomes confused with education itself.

195. In an ethnically, culturally and linguistically uncomplex society, there is a smooth progression from initial, informal education to stages in which informal education co-exists with formal education. The same is true in the dominant segments of multi-ethnic, pluricultural and plurilingual societies, as the individual is not faced with drastic changes of group, culture or language. He remains within his own community, with people who speak his language and behave in a familiar way. The transition from learning at home to instruction in school does not involve any sharp breaks, and occurs without serious psychological disturbance, especially when the child attends nursery school from a very early age.

196. This is not true in the case of members of indigenous groups which are ethnically, culturally and linguistically different from the dominant sectors of the societies of which they are a part. In the passage from informal indigenous education to formal education dominated by non-indigenous patterns, there is a clear break between what is learnt in the home and what is taught in the school. Naturally, the psychological shock to the indigenous child entering school is greater and involves severe trauma when the school is staffed with teachers from the dominant group, when instruction in the school is dispensed in the official language which is not his own, or when he is removed from the family and community environment and placed in a boarding school.

197. The problems arising from non-indigenous teachers and from boarding schools far removed from the family and the indigenous community are discussed elsewhere in this study. This section deals with the question of the language in which the child is received upon arrival at school.

198. As stated earlier, language is a fundamental element of a people's culture, and the vehicle through which that culture is disseminated, developed and transmitted. As the expression of the ethos of a people, language is the best means of transmitting its cultural heritage and its particular traditions. The indigenous peoples have shown great stubbornness in conserving and developing their language as a cultural vehicle - in some cases over several centuries - initially during their colonial subjection, and subsequently with its continued subordination as a vernacular.

199. The relationship between language and culture is so intimate that the latter is expressed in the former; hence the need to accept that education must be given in the pupil's mother tongue, not only in the case of informal education but also, at least initially, in the formal schooling process, until he has thoroughly mastered the second language which is used in the school as the language of instruction. When introducing schooling into indigenous communities, each group's own vernacular must be used as the vehicle of literacy and tool of education. Subsequently, the official language must also be taught as a second language, with the deliberate aim of providing the community with a broader and, in some cases, international system of communication, whereby its members may receive the scientific, technical and other information they desire.

200. To use indigenous languages in the public educational system of a country is to recognize the multi-ethnic, pluricultural and plurilingual nature of the population of the country in question, as well as the importance of an indigenous language for an indigenous population. It is also to recognize that a considerable number of students enter school without knowing any language other than their own, or with a very poor grasp of the official language.

201. Consequently, wherever possible the mother tongue should always be used, since it is through his mother tongue that every person first learns to formulate and express his ideas about himself and the world around him. Every individual is born in a specific cultural environment of which language is both a part and at the same time the expression. Thus, the learning of that mother tongue is part of the process whereby the child assimilates his cultural environment. It therefore plays an important role in the formation of the child's first ideas, and he will have difficulties with any new ideas which are alien to his cultural environment, to the point of being unable to express them easily or faithfully in his mother tongue.

202. Anyone learning a foreign language may have difficulties in mastering it sufficiently to express his ideas in that language. When the person in question belongs to a civilization very different from the one to which he is giving expression, additional and more serious difficulties may arise when he tries to translate those ideas into his mother tongue. He must make a great effort when expressing his ideas and thoughts using the forms of the foreign language which are new to him. The ideas which have been formulated in his own language are so difficult to convey because of the pitfalls presented by another language that a person constantly called upon to make such an effort may rapidly find his ability to express himself stunted, even in his mother tongue.

203. A child placed in this position at an age when his capacity to express himself in his mother tongue is not yet fully developed runs the risk of never being able to express himself entirely satisfactorily. That is why it is important to make every effort to provide education in the mother tongue. For instructional reasons, it is advisable to prolong the use of the mother tongue in education as long as possible. In particular, it is desirable from every standpoint that primary education should be in the mother tongue, because it is the language the children understand best; the gap between home and school will be reduced as far as possible if children begin their school life in their mother tongue.

204. The change from home to school produces such a severe shock that everything possible must be done to alleviate it. At school, instead of being surrounded by his loved ones, the child is surrounded by strange children whom he does not know. Instead of being free to run, play and shout as he pleases, he is forced to remain seated quietly, to do what he is told, not what he wants, to listen and to answer the questions he is asked. All this is difficult for him. If, in addition, the language in which he receives all these new instructions is itself new, the effort required of the child increases proportionately.

205. If he has to carry out the tasks involved in his lessons in a language which is not his mother tongue, it will be more difficult for him to handle all the new ideas he receives. He will assimilate them more easily in his own language. The relationship between school and home will also be easier if the mother tongue is used. The child will be able more easily to assimilate and apply the new ideas imparted at school. The parents will have a better grasp of what is being done at the school and of the problems arising in it, and hence to lend it more effective assistance where necessary.

206. The mother tongue should not be abandoned during the early stages of schooling except when there is a vernacular language closely related to it which is in more widespread use in the region and which may therefore be used more easily in education than the child's mother tongue. This will create some small difficulty for him, which he will be able to overcome without major effort. This should only be done when it is absolutely preferable for proven and sound reasons, and not on the basis of vague ideas.

207. Thus, the use of indigenous languages is essential in public education systems in order to respect the determination of the indigenous peoples to conserve, develop and transmit to future generations their ethnic specificity with its important linguistic and cultural elements. In the circumstances of daily life, their survival as a cultural group is endangered if education is not provided in those languages, and the deliberate elimination of indigenous languages therefore bears the unmistakable imprint of cultural suppression. In short, those groups can only ensure their own cultural life by receiving instruction in their own language, or at least by learning to read and write in that language and its teaching. In order to overcome the feeling that indigenous languages are looked down on and excluded from the major activities in which the State is involved, it is essential that those languages should be used by the State and the communication centres under its responsibility.

208. This has not been fully recognized in the practice of the countries covered by this study, although in a few of them it is a goal pursued by the new educational policy of the Government. The great majority of the States only aim to use indigenous languages at the early stages of education as a means of teaching reading and writing

and as a short-cut to the use, as rapidly as possible, of the official language which thereafter is the only language of instruction. The lack of broader use may be the result of a series of factors already pointed out by UNESCO 36/ as presenting difficulties for the use of vernacular languages in education as languages of instruction. These difficulties include the alleged profusion of languages (multiplicity of languages in the country or in certain regions of the country) and the small numbers of speakers and of likely pupils. Technical difficulties relating to teaching staff and materials are also mentioned, such as the shortage of qualified teachers with suitable training and the absence of teaching materials adapted to real needs and practices. There are also technical difficulties deriving from the indigenous languages themselves, which may lack vocabulary or be insufficiently developed for educational needs. Where they exist, these difficulties may generally be overcome without major investment or difficulty, according to the UNESCO experts. 37/ They do not exist in the case of all indigenous languages, which are often perfectly developed languages which can do everything that the others can do, and are even considered by some to be superior. Where it may be necessary to revitalize and to increase the word stock of indigenous languages, this should be done without delay, provided there are sizeable population groups which speak the language. Linguistic aggression must be stopped, as it is unnecessary, harmful, misplaced and reprehensible from any standpoint which respects the cultural integrity of indigenous fellow-citizens. To give those languages the status of national or official languages with all the ensuing consequences might make a positive contribution to solving the linguistic impasse which exists in many countries.

209. To conclude these initial remarks, there follows a brief review of the basic features of possible educational systems from the standpoint of the use of indigenous languages.

210. There are, of course, two basic possibilities, according to whether or not those languages are used. One system would be to use the official language from the start in teaching reading and writing to indigenous pupils, in order to enable them to master it as rapidly as possible, without including indigenous languages at any level of education. 38/ The other system would involve the use of indigenous languages for indigenous pupils throughout, from the beginning to the end of the public education process, and of the official language throughout the process for non-indigenous pupils. 39/

211. A third system might be conceivable, which would provide for the use of the official language and the relevant indigenous languages for all indigenous and non-indigenous pupils at every level and in every type of public education. 40/

212. The first system is the simplest, as it uses only one (official) language, and is therefore claimed to be less costly. The difficulties experienced in implementing the system show that the process is much slower, a factor which largely offsets the lower cost of the system, because by creating serious didactic and personal problems for pupils who do not know the language on entering school it means that they have to

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36/ The use of vernacular languages in education, (UNESCO, Monographs on fundamental education, VIII, Paris, 1953), pp. 47-54.

37/ Ibid.

38/ See paras. 225-230 below.

39/ There is no example of this in the available information. It is mentioned as a theoretical possibility.

40/ See footnote 39 supra.



repeat grades, often several times, with the ensuing psychological trauma. As a rule, the results achieved are of little significance in the context of the surrounding circumstances, and this, through the total elimination of the indigenous languages, generates rejectionist and defensive attitudes and actions which further undermine the speed of the process and its results.

213. The second system would have the advantage of overcoming the above problems, but it has been pointed out that it would be relatively costly and technically complicated, in comparison with the first system. The expense and technical complications arise from the duplication of the teaching and auxiliary materials such as primers, reading books and exercise books which have to be prepared in the indigenous languages, or at least in one indigenous language, as well as in the official language.

214. Another problem to be overcome is the absence or shortage of indigenous teachers, and the total or relative ignorance of the indigenous languages by all or some of the members of the teaching profession when the decision is taken to introduce schooling in two or more languages, i.e. in the official language for non-indigenous pupils and in the indigenous languages for the indigenous people. Furthermore, this system would tend to keep the two linguistic groups apart and confine their members to their own group.

215. The third system would suffer from the same problems as have been indicated in the case of the second, and would enjoy the advantages of the second system to the full, since it would result in the entire school population of the country becoming bilingual.

216. The systems which take account of indigenous languages as languages of instruction sometimes encounter difficulties stemming from the profusion of indigenous languages and their different stages of evolution, which complicate the situation in some cases. The small number of potential students in some languages which are not spoken by many people also raises difficulties when it occurs.

217. Without disregarding these complications, and for the reasons given above, many countries have nevertheless recognized the need to provide instruction in their mother tongue to indigenous pupils who do not know the official language, at least up to a certain educational level and in general and primary education.

218. This has led to an eclectic or mixed system in which the official language is used exclusively for the non-indigenous pupils who speak it, together with the relevant indigenous languages initially, and then those languages plus the national language, or only the latter, after a given stage. This system takes account of the indigenous languages at least in the initial stages of the schooling process, and consequently it does not traumatize the indigenous child who speaks only an indigenous language, because he does not receive instruction in a foreign language at school. The variations in the system depend on the exact stage at which the indigenous language is replaced by the official language as the language of instruction, with the indigenous languages becoming optional instead of compulsory or disappearing altogether from the curriculum. This may happen, according to the system, up to the end of secondary school, of primary school or of third grade, or only after the achievement of basic literacy, which may occur in primary school, in pre-school education, or outside the school. In any event, as was pointed out earlier, it is essential that the official language should be taught only once the pupil has become fully literate in his mother tongue, and the switch should be postponed as long as possible in order to avoid the unfavourable consequences likewise described above.

219. All these variants have indiscriminately been labelled "bilingual education". Strictly speaking, the name should apply only to the systems which provide instruction in indigenous languages - used as languages of instruction and not as subjects for study - at least until the end of primary education. All the others are merely systems of "bilingual literacy", when their activity clearly falls into the above categories.

2. For the indigenous population

(a) Initial remarks

220. The situation obtaining in the different countries on which there is information in this regard goes from the total inexistence of instruction in indigenous languages at any level or type of educational institution (with occasional isolated instances of teaching of some indigenous languages), to what are called bilingual (and sometimes bilingual and bicultural) educational systems in which, in general, indigenous languages play an important although limited role. Among the countries included in the latter group, a few give the indigenous languages a somewhat larger role, although sometimes not as large as that given to other non-indigenous minority languages. In any case, none of the systems described in this part seems to be a true approximation to real bilingualism in education and in school as regards the indigenous languages concerned.

221. As discerned from whatever information is available on these matters, the so-called bilingual education and bilingual schools consist of the following. School children coming from indigenous groups and who at their arrival at school do not speak the official language (which ordinarily is the language of instruction at all levels and in all types of schools), are given their first formal education in their mother tongue or in the vernacular prevailing in the region concerned. In principle this is to be done by teachers coming from the same ethnic and linguistic group and starts with instruction as to how to read and write in their mother tongue and only exceptionally in the vernacular prevailing in the region.

222. After the first stage, these children start getting initial instruction in the official language and this parallel instruction continues for a time. During the latter part of this period, instruction in the official language is gradually increased until it reaches the level attained by the instruction in indigenous language. This stage, in which both languages are languages of instruction approximately to the same extent, may last through the lower grades usually not exceeding third grade. From then on, more and more importance is given to the official language, while the indigenous language is de-emphasized until it becomes nothing more than a compulsory subject or even an optional one, or else it may be dropped altogether. This usually takes place before the end of primary school. There are cases of course, in which the rhythm of this process or the duration of the stages mentioned above may be shortened or lengthened. The former case seems to be far more common than the latter.

223. There are, however, educational systems in which indigenous languages play a larger and more important role as languages of instruction throughout the primary. This happens in certain special schools that exist in some countries.

224. It must be stressed that the information available on these matters is very scanty and rather fragmentary; often it is also inconclusive. Two points however, emerge neatly from the data available: (1) indigenous languages after their initial use as explained above are kept - if at all - only as special subjects. In other words, there is then only teaching of these languages, not teaching in them; (2) teaching of indigenous languages reappears with some strength at tertiary level, after having been almost completely absent at secondary school. University teaching of indigenous languages appears to be taking increased importance at present.

(b) At primary level

225. Some of the countries on which there is information on this question <sup>41/</sup> have reported that indigenous languages are not used at all in public schools as languages of instruction. Thus, the Government of Chile reports that "there is no instruction in indigenous languages at any level for indigenous or non-indigenous persons". In Costa Rica, there is no instruction in indigenous languages at any level. All public

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<sup>41/</sup> Chile, Costa Rica, Japan, Malaysia.

education for the indigenous peoples is in Spanish, which is the official language. The fact that this education is not in their own language and does not take into account their cultural traditions particularly handicaps children in primary school, as the Government itself states. The Government of Japan has stated that "the Ainu are not taught in their own dialect". It has been reported that in Paraguay there is no instruction in the indigenous languages, except in the "not really indigenous Paraguayan Guaraní".

226. In a few countries there are constitutional and other provisions allowing or providing for the use of indigenous languages in education for indigenous persons but at present no use is made of those languages for that purpose. 42/

227. In Malaysia one of the officially adopted principles of policy concerning the Orang Asli provides for measures to be taken for the preservation of aboriginal languages and dialects and their possible use in education of Orang Asli persons or groups (principle (e)).

228. The Malaysian constitution provides that no person shall be prohibited or prevented from teaching or learning any language other than the official one and that the federal and state Governments have the unhindered right to preserve and sustain the use and study of the language of any other community in the Federation. (Article 152, (1), (a) and (b)).

229. The Malaysian Government has stated that:

"1. There are at present no arrangements made by governmental or private agencies for instruction in Orang Asli languages at primary, secondary or tertiary levels.

"2. Pre-school training of Orang Asli children in the language forming the medium of instruction in the schools they will attend has not been found necessary as this is in all cases the Malaysian languages, and pre-school children come into sufficient contact with the Malaysian language for them to obtain a sufficient knowledge, and use of its."

230. In Panama, in conformity with the Constitutional mandate of 1972 concerning the conservation and dissemination of indigenous languages and the promotion of bilingual literacy programmes in indigenous communities (article 83), the first steps have been taken to set up a Department of Indigenous Comprehensive Education, which will provide for bilingual education, according to the Government's report. The Government also states that "instruction in indigenous languages for indigenous persons has not yet commenced, and Spanish is still taught as the mother tongue".

231. In the rest of the countries for which there is information on this point, the official language 43/ (a non-indigenous language in all cases, whether it be of foreign origin or the language of one of the ethnic groups of the country) 44/ has been designated as the sole language of instruction 45/ in public schools, a position which in some cases, however, it shares with indigenous languages at initial stages of schooling. This is the system that has been described as bilingual schooling or bilingual education.

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42/ Malaysia, Panama.

43/ In some countries, as discussed, there is more than one official language.

44/ See paras. 41 to 46 above.

45/ As indicated above, this means language in which instruction in different subjects is given, and not merely the learning of that language through instruction.

232. In Colombia, according to article 9 of Decree No. 1142 of 19 July 1973, which regulates article 11 of Decree-Law No. 080 of 1976 on education for indigenous communities, "instruction in reading and writing will be given to the communities in their mother tongue, with provision for the gradual learning of the national language without detriment to the mother tongue". Since the text made available to the Special Rapporteur contains no saving clauses and there are no explanations on the subject, the legal situation on this matter is not clear, in view of the provisions of the Law on the Defence of the National Language in accordance with which all instruction is to be given in Spanish.
233. In the Philippines, Tagalog is the prescribed 46/ language of instruction; indigenous languages are used only as auxiliary or support languages.
234. In Indonesia teaching is carried out in the regional vernacular for the first three years. After that, Bahasa Indonesia is to be the language of instruction. Instruction in the vernacular is dispensed with when the school children already know the national and official language and are able to use it from the beginning, as is the case in certain areas of Sumatra.
235. In Burma, Burmese is the only authorized language of instruction and is generally used for teaching purposes. Local languages are also used in certain districts, however, and English is also taught, even in some primary schools.
236. In Laos, the children of certain indigenous ethnic groups are initially educated in their mother tongue by teachers with the same ethnic background and concurrently receive education in the national language which increases with their progress in elementary school. The Lao language is the principal language of instruction.
237. In Canada instruction in the indigenous languages takes place in school particularly at the early stages of school and in pre-school instruction.
238. In Guyana there is information only as regards one particular programme for one group. In 1961 school was begun for the Wai-Wai in their own language. Later on in their primary education, basic English conversation was taught to the Wai-Wai school children, gradually introducing more and more English. Working from Wai-Wai to English was found to lead to a better end-product as well as making it possible for older Wai-Wai to learn English.
239. It is Australian Government policy that Aboriginal children living in predominantly Aboriginal communities should receive their early education in their own language. A bilingual education programme is being developed in the Northern Territory. To encourage similar programmes in the States, the Aboriginal Government provides funds in support of Aboriginal linguistic work and bilingual education programmes throughout Australia.
240. On 14 December 1972, the Prime Minister announced that the new Government would launch a campaign to have Aboriginal children living in Aboriginal communities given their primary education in Aboriginal languages. The Commonwealth Departments of Aboriginal Affairs and Education are currently planning the immediate implementation of this policy in the Northern Territory. When the policy is fully implemented it will affect Aboriginal children in the Northern Territory, and in areas of north Queensland and Western Australia. Some years ago the South Australian Education Department instituted similar programmes in all Aboriginal schools in the sparsely settled north of the State where one main Aboriginal language is in use.

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46/ English seems to be also used at some levels. See chapter on Education in document E/CN.4/Sub.2/L.622, para. 360.

241. For some time the Commonwealth Government has assisted a variety of activities connected with teaching in Aboriginal languages: funds have been provided for studying and recording languages, for preparing educational and literacy materials in them, as subsidies towards the salaries of linguists developing in particular adult literacy programmes in Aboriginal languages, and for a pilot project in bilingual education.

242. Among other factors inhibiting work in this field, or more rapid advance in it, the Government has also mentioned the diversity of languages existing in certain areas. In this connexion, in the draft transmitted to the Government in quest of comments and supplementary data, it was stated that during his official visit to Australia (June 1973) the Special Rapporteur was repeatedly told that Aborigines would welcome instruction in their own languages. It was reported to him that the diversity of languages in certain regions (Palm Island, for example) was due, in large measure, to past actions of non-Aboriginal authorities.

243. The Government has commented in this regard, that it is correct that the diversity of languages in some areas reflects, either directly or indirectly, past administrative actions. The Queensland authorities in the period between about 1920 and 1940 removed to Palm Island Aborigines from communities all over Queensland. In other areas Aborigines from diverse language groups have voluntarily congregated at a central point such as Maningrida - attracted by the goods and services provided there by the authorities.

244. In Bolivia, the Education Code of 1955 provides that Aymara and Quechua shall be used in the early stages of teaching reading and writing in Spanish in communities where they are the main languages spoken. It has been said that teachers who speak these indigenous languages are not always available and that in practice the people who learn to read and write in Spanish are those who already speak it.

245. During the official visit to Bolivia in June 1974, as in the case of all the other countries visited in connexion with this study, as already indicated, all the indigenous groups and individuals consulted complained that the indigenous languages were not sufficiently recognized or used by the State and by private or public bodies in any of the relevant areas of activity, owing to lack of interest or to a deliberate policy of neglect.

246. According to statements by residents of a community in the Bolivian altiplano who were interviewed during the visit, Aymara was not used as a language of instruction in the schools because it was forbidden by ministerial instruction. However, the members of this community who were present at the interview expressed a strong desire for the language to be used in schools and for those communities to be assigned Aymaran teachers as far as was possible, preferably teachers from the same community. In that connexion, special mention should be made of the efforts of members of another Aymara community of the Bolivian altiplano, who have adopted a phonetic alphabet drawn up by an Aymara language expert and have used this alphabet to prepare reading primers in Aymara and also a number of leaflets for the general information of the community and for vocational training of the Aymara-speakers.

247. In Brazil, article 49 of Act 6001 provides that "the Indians shall be taught to read and write in the language of the group to which they belong and in Portuguese, safeguarding the use of the former tongue". No information of the use of indigenous languages beyond teaching to read and write has been available.

248. According to information provided by the Government of the United States work in Indian languages has been introduced in many Federal schools for Indians and in some public schools. Most schools that Indian tribes have contracted to operate include considerable work of a cultural nature, and emphasize Indian tribal languages. There is Indian preference regulations in the hiring of teachers for Bureau of Indian Affairs schools. However, not enough Indian people are qualified for teaching positions to fill the openings. Qualifications for teachers are similar to those for non-Indian schools. As a result, non-Indians often teach Indians but in the primary grades there is often an Indian teacher's aide who is a member of the tribe - or one of the tribes - served by the school and speaks the language of the tribe if a tribal language is still in common use.

249. Mexico has a national system of primary education with bilingual leaders and teachers. There is also a Federal Government national plan for the promotion of Spanish established in September 1975 with the initial aim of teaching Spanish to 200,000 monolingual children of pre-school and school age - about 25 per cent of the non-Spanish-speaking population of five years or older. This plan also provides for the promotion and improvement of Spanish among the adult indigenous population and the improvement of knowledge of Spanish by indigenous and non-indigenous children in intercultural areas whose command of the language is poor.

250. In Guatemala the National Education Act (Decree No. 75-76 of the Congress of the Republic, of 1 December 1976, promulgated on 4 January 1977) takes account of indigenous languages as languages of instruction and dissemination of culture, and provides for their inclusion in educational programmes in the following terms:

"Article 9. Education and dissemination of culture shall be in the official language and in the indigenous languages. The Minister of Education shall regulate their inclusion in educational programmes with a view to promoting their study, dissemination and use.

...

Article 11. The achievement of literacy, directed towards basic education for the people, is declared to be a pressing national need. Contributing to the achievement of literacy is a social obligation. The State shall organize and promote it with all its resources.

...

Article 59. The Ministry of Education shall give priority to literacy programmes, teaching Spanish and education for development within its school and out-of-school education plans.

Article 60. Attending to the cultural needs of indigenous people and incorporating them into the educational process without discrimination shall be considered to be a matter of national interest."

251. The materials made available in connexion with this report include reading books and primers and other materials in various indigenous languages. These educational materials contain texts in indigenous languages only or in Spanish as well but in much smaller print than that used for indigenous languages. There is no precise information available on the level to which this indigenous-language or bilingual teaching is given. Mention should also be made of efforts to train indigenous teachers, which are discussed in another part of the report.

252. In Peru, Decree-Law No. 19,326 - the General Education Act - provides that all educational activity must take into account the existence of the various indigenous languages in the country as means of communication and cultural expression and preserve, develop and encourage learning of those languages. The General Education Act contains the following provisions:

"Article 12. In all educational activities, account shall be taken of the existence in the country of various languages which are means of communication and cultural expression and efforts will be made to ensure their preservation and development. In teaching the population as a whole to speak Spanish, the cultural identity of the various groups which make up national society shall be respected and their languages used as a means of instruction.

...

Article 98. The learning of vernacular languages shall be encouraged. Education centres shall provide facilities for studying those languages and their influence on the national language and culture."

253. Decree-Law No. 21,156 of 27 May 1975, which recognized Quechua as an official language of Peru on an equal footing with Spanish (article 1), also contained the following provisions: <sup>47/</sup>

"Article 2. As from the start of the 1976 school year, the teaching of Quechua shall be compulsory at all levels of education in the Republic. The Ministries of War, the Navy, the Air Force, the Interior and Education, shall be responsible for implementing the present provision, and all the provisions of Decree-Law No.19,326 shall remain in force.

...

Article 4. The Ministry of Education and other sectors shall be responsible for ensuring the preparation and publication of dictionaries, texts, manuals and other documents necessary for the full implementation of this Decree-Law.

They shall also provide all support required by the institutions concerned with research into, and teaching and promotion of, the language in question."

254. There is no accurate information on the present situation regarding Quechua under Decree-Law No. 21,156, or, in general, on the level to which this instruction in indigenous languages is given.

255. In Finland the use of minority languages as languages of instruction depends on the number of pupils attending the classes in each commune. As primary education is a communal responsibility, it follows that the language used in primary schools is that of the commune. According to the present rule, a minority school must in principle be set up if the number of children speaking a minority language reaches 18, whether the commune is bilingual or monolingual. This should then fully apply to some students.

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<sup>47/</sup> See para. 58 above, concerning the uncertainty regarding the practical implementation of Decree-Law No. 21,156 at the present time.

256. Information furnished by the Finnish Government, however, indicated that in primary schools oral instruction is given in Lappish, if possible, to all whose mother tongue it is, but that in all types and levels of education, instruction is given in Finnish or Swedish which are the national and official languages of the country. (Underscoring added).

257. Thus, while the Swedish minority receives primary education in its mother tongue according to the law on compulsory education, the Lapps do not fully benefit from such a privilege. The Primary Education Act of 1958, which contains provisions dealing specifically with the situation of the Lappish minority, only provides that the education of Lapps should be arranged in their mother tongue in primary schools according to the needs and possibilities, such as sufficient teachers familiar with the Lapp language and the availability of textbooks. However, as the problem of the most suitable orthography for Lappish has not yet been solved, Finnish remains the main language of instruction in a few schools set up in areas inhabited by Lapps: in those regions, Lapp is used in oral instruction as an aid.

258. The Swedish Government has stated that instruction in the Lappish language is provided in the nomad schools, which are separate schools operated by the State. However, Lappish children who go to ordinary Swedish schools can also receive instruction in Lappish, since the school curriculum allows for instruction in minority languages.

259. The situation has been further described as follows: Same children who receive their basic education in the ordinary public schools, have a right to have two hours a week devoted to instruction in the Same language, as is the rule for students belonging to minority groups.

260. In exceptional circumstances they may be offered possibilities through special arrangements to study in their own mother tongue as special homework or as remedial instruction.

261. In the case of the Finnish minority it has however been reported that in the large cities there are now classes where virtually only Finnish is used. On the other hand, when schools for the Lapps have been established in various places in areas inhabited by Lapps, they have, however, been organized according to the principles of the ordinary public schools, with Swedish as the main language of instruction. Only in a few nomad schools is Lappish used as the language of instruction in the lower grades of primary schools.

262. Since 1967 Lappish has been taught at the primary level in the elementary schools in Norway.

263. Lapp parents are free to choose for their children initial instruction in Lapp or Norwegian. The children who have their first instruction in Lapp are taught Norwegian as a second language, which at a further stage can then be used as a medium of instruction. Thus the pupils first learn to read and write Lappish before going on to Norwegian. The syllabus in the elementary schools in districts with substantial Lapp elements in the population has its starting-point in the Lapp's own language and traditions.



264. The Constitution of India provides:

"350A. Facilities for instruction in mother-tongue at primary stage. It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities".

265. The Education Commission report of 1966 endorsed the three-language formula, but did not clarify the future position of English as an official language. The result was continued controversy over the language issue, as indicated in April 1967 when, at the conference of the States' Ministers of Education, the Ministers from the non-Hindi States opposed the three-language arrangement in favour of a two-language formula. The latter scheme called for the study of the mother tongue and English and for a speedy change-over from English to the regional languages as media of instruction at all levels of schools and, for all practical purposes, excluding Hindi from the curriculum in the non-Hindi States.

266. The conference decided that regional languages should be the media of instruction in all institutions of higher learning, but was unable to agree on the media of instruction for the lower level institutions or on the three-language plan. The conference was, however, nearly unanimous in accepting the positive significance of language as a national unifying force and the need to spare children the trouble of learning many languages.

267. It has been reported that the Greenlandic language has always been used as the school language in Greenland. The dual-language education now arranged at the larger schools aims at giving the pupils, who are found suitable therefore, such knowledge of both Danish and the Greenlandic language, that they may naturally express themselves in either language. It is expressly stated in the syllabus that the teaching of Danish must not supersede the subjects taught in the Greenlandic language.

"The background for the development which has taken place is the ever-increasing connection between Greenland and other parts of the Kingdom including the technical development of trades in Greenland, which makes it necessary for the Greenlanders to be able to receive education and general information in a language possessing a larger measure of technical and vocational literature. In the training in Danish modern pedagogical systems are used, the children being taught a 'basic language' comprising a vocabulary of about 3,000 words enabling them to express themselves and to read ordinary Danish."

"In the dual-language schools physical training, physics, sloyd, needlework and domestic science are compulsory subjects. In these schools the 1st and 2nd classes receive Danish language instruction in the subjects Danish, if possible, arithmetic, and partially in audiovisual lessons, and from the 3rd class and upwards the number of subjects taught in the Danish language is gradually increased ...

"Considering the school service as a whole, instruction in the subjects enumerated in the foregoing must be said to have been somewhat heterogeneous. In the elementary subjects: Greenlandic language, verbal and written, writing, arithmetic, and religion, all children have, however, received instruction. In the subjects Danish language and singing, 91.1 per cent and 88.5 per cent, respectively, of all schoolchildren received instruction. As far as many children are concerned, the teaching of Danish has, however, been confined to an elementary introduction to the language." 40/

268. In New Zealand, instruction at all levels in the educational system is carried out in English. Nevertheless, in several schools Maori is taught as a compulsory or as an optional subject. According to government information in 1969 it was decided as a matter of Government policy that the Maori language should be available to all school pupils who desire to study it. At present Maori is being taught in primary schools and intermediate schools which contribute pupils to secondary schools where there is already a Maori language course established. The number of primary schools teaching Maori is increasing rapidly.

(c) At secondary level

269. In none of the countries surveyed is secondary education provided in indigenous languages. In most of these countries indigenous languages are not available at secondary school level, neither as compulsory nor even as optional subjects. In a few countries optional courses of indigenous languages are available at secondary educational level. In one country, optional as well as compulsory courses exist.

270. In Norway, Lappish is one of the subjects on the syllabus of the Lapp Folk High School. Virtually all the pupils at this school have Lappish as their mother tongue and the pupils learn to read and write this language.

271. The upper stage secondary schools (gymnas) in Norway teach two written forms of the Norwegian language. At the Lapp "gymnas" in Karasjok, one of these alternatives may be Lappish.

272. In addition, Lappish is taught at the Teachers' Colleges in Tromso and Alta. The majority of pupils who enrol on these courses are Lappish-speaking, but occasionally non-Lappish-speaking pupils complete such courses. A number of Lapps have thus learned to use their mother tongue in writing as a result of these courses. Some teachers (mostly Lapps) have availed themselves of their right to a period of leave from teaching duties for the purpose of studying for the primary arts degree in Lappish.

273. In Finland an optional course in Lappish can be arranged at the upper level of the fundamental school where there are pupils having Lappish as mother tongue.

274. In New Zealand the Maori language is taught as a compulsory subject in some Church secondary schools, and as an optional subject in some of the State secondary schools. As far as the latter are concerned, and according to government information, there are 229 State secondary schools in New Zealand and 112 Church and private schools. Fifty-eight of the State secondary schools have either no Maori children or less than 20, the majority of these schools being in the South Island where there are large areas with no Maori population, or very few Maoris. The same applies to the Church and private schools, 95 of which have either no Maori pupils or less than 20. This means that out of a total of 341 secondary schools, there are a total of 188 with rolls of 20 Maori children or more. At the latest count, 87 secondary schools now provide for the teaching of Maori and at least another 30 have arranged for pupils wishing to study Maori to receive lessons through the Government Correspondence School. When it is borne in mind that the decision to make Maori available to all pupils who wished to study it was only made in 1969 then progress can be considered fairly rapid, and there is no reason to doubt that it will continue to be so until the objective is fully achieved. One factor which has been retarding progress has been the lack of trained teachers of Maori. There are at present 43 teacher trainees studying at teachers' colleges who are native speakers of Maori and will at the conclusion of their training considerably add to the numbers in the schools. In 1970, 2,318 pupils were studying Maori at secondary school and in 1974 the number was over 8,000. In addition, the Government Correspondence School provides Maori language lessons in 30 additional schools. The stage will be reached very shortly when Maori language will be available in almost all secondary schools with Maori pupils.

(d) At tertiary level

275. In principle, all universities use the official language or languages as language or languages of instruction. As none of the indigenous languages existing in the different countries enjoys such a status at present, there are now no universities giving instruction in indigenous languages in any of the countries surveyed.

276. There are, however, in many countries, universities and other tertiary level educational institutions in which teaching of the indigenous languages exists, and where such courses are definitely on a marked increase, as compared with the situation prevailing only a few years ago.

277. The Government of Mexico states that at the National College of Anthropology and in some universities, optional courses are given in the principal indigenous languages. The situation in this respect is roughly the same in Guatemala. In Paraguay, the Language Institute of Paraguay, established in 1961, organizes beginners', specialization, grammar and teachers' courses. Guaraní courses are given at the Faculty of Philosophy of the National Autonomous University. The Higher School of Languages, which is part of the University, issues B.A. degrees in the Guaraní language.

278. At tertiary level in Sweden instruction in Lappish is given at the Lapp County College; Lappish can be studied at the University of Uppsala and the University of Umeå. At the latter University, a chair in Lappish has been founded.

279. In Finland Lappish can also be studied at the Universities of Helsinki, Turku and Oulu as well as in the Summer University of Lapland. In the University of Oulu the Lappish language and culture constitute a separate subject in the education programme. Furthermore, the Lappish language and culture are taught at the Christian Citizens' Institute of Lapps in Inari and in the Citizens' Institutes of Inari-Utsjoki and Ehontekiö-Muonio. The instruction given in Lappish is aiming at both the learning of language and the development of it. The emphasis varies depending on the institute and the needs.

280. In Norway Lappish is one of the subjects on the syllabus of the Lapp Folk High School. Virtually all the pupils at this school have Lappish as their mother tongue and the pupils learn to read and write this language. The upper stage secondary schools (gymnas) in Norway teach two written forms of the Norwegian language. At the Lapp "gymnas" in Karasjok, one of these alternatives may be Lappish.

281. In addition, Lappish is taught at the Teachers' Colleges in Tromsø and Alta. The majority of pupils who enrol on these courses are Lappish-speaking, but occasionally non-Lappish-speaking pupils complete such courses. A number of Lapps have thus learned to use their mother tongue in writing as a result of these courses. Some teachers (mostly Lapps) have availed themselves of their right to a period of leave from teaching duties for the purpose of studying for the primary arts degree in Lappish (see attached survey).

282. In Australia instruction in Aboriginal languages beyond secondary school including general courses on Aboriginal languages are available in a number of tertiary educational institutions; and as a part of some teacher training courses. Intensive courses aimed at fluency in a particular Aboriginal language have recently become more popular and more widely available, for example, the Department of Adult Education of the University of Adelaide offers regular intensive courses at both introductory and advanced levels in Pitjantjatjara, a central Australian language; and the Institute for Aboriginal Development in Alice Springs, a private organization supported by Commonwealth funds, offers courses in two Aboriginal languages.

283. In the United States there are three tribally-operated community colleges; each include Indian studies material and language classes. In addition, courses are offered in a number of universities and colleges.

284. In New Zealand, according to government information, courses in Maori are now available at university level in five of the six universities and plans exist for its introduction at the sixth. It should be added that this is reported to have happened only in the last 20 years, although Maori has been accepted as a Bachelor of Arts subject (without formal teaching of it), since 1926.

(c) In adult education arrangements

285. There is some information relating to university extension courses and other adult education arrangements which include courses of indigenous languages which are available to everyone, of course also including indigenous people.

286. In New Zealand, apart from schools, considerable numbers of people are studying Maori, not only in the universities themselves, but also through university extension courses and other adult education courses. In addition, the Government Correspondence School provides Maori language lessons in several schools.

287. The information received indicates that in Guatemala and Mexico and other Latin American countries there are similar university extension course schemes and that the activities of the Summer Institute of Languages in all those countries include programmes for the adult population.

288. In Norway some institutions of adult education also include Lappish among the courses offered. This likewise applies to some units of the Forces' civilian training scheme in Finnmark. Adult education and civilian training schemes have included both Lapps and non-Lapps among their pupils. It is assumed that these institutions will continue to offer courses in Lappish.

289. In two countries instruction in indigenous languages is provided to certain public employees and, although these courses seem to have been instituted mainly with non-indigenous persons in mind, there is no reason why they should not be given to indigenous persons who meet the relevant requirements.

290. In Malaysia if any Government Servant can show that he requires a knowledge of an Orang Asli Language in order to carry out his duties then the Government will be prepared to pay a bonus of \$1,000.00 to such an officer should he succeed in passing a Government prescribed examination in such language. In addition all Group III, II and I personnel of this Orang Asli Affairs Department are required to pass an examination in one or more Orang Asli languages in order to be confirmed in their appointments.

291. In Paraguay the Guaraní language (Paraguayan Guaraní) has been included in all the Military College courses for over 20 years; it has been taught in the Cadet School since about 1960 and in the Police College since 1966.

3. For non-indigenous persons

(a) Initial remarks

292. In this part we consider the information available on the teaching of the indigenous language concerned to non-indigenous persons. The latter learn it as a second language and as a subject, except in the case of literacy training or bilingual teaching in an indigenous school attended by non-indigenous pupils for any reason (geographical distribution of schools, bilingual community or other circumstances).

293. The free choice to learn an indigenous language where its teaching is optional shows a personal interest in the language and also indicates that the public authorities, who make it available to people who are interested, recognize the existence of such languages and their importance to society as a whole. This latter aspect is brought out even more clearly when the teaching of these languages is included in the curriculum on a compulsory basis.

(b) At primary level

294. Specific information on this question is available only for two countries.

295. According to information transmitted by the Government of New Zealand considerable interest is also being shown by non-Maori pupils at the primary level. In all cases Maori is an optional course, but as a matter of policy all primary school children are to be taught the proper pronunciation of Maori and elementary conversation.

296. In Norway the relevant provisions providing for instruction in Same language in Same districts have been changed so as to make this instruction available - upon request - to non-Same children at school. The Government has stated that:

"In Ot. prp. No. 64 (1973-74) it is proposed that "children in a Lapp district" (as against the previous wording: "Children of parents who habitually speak Lappish") shall be taught Lappish if required by the parents. This means that non-Lapp parents in Lapp districts shall henceforth be entitled to request that their children be taught Lappish at school."

297. The Government has added that as a result of this "non-Lapps have also availed themselves of the existing facilities for learning Lappish".

(c) At secondary level

298. There is specific information regarding only one country.

299. The Government of New Zealand states that about one-third of the secondary school pupils taking Maori are non-Maori children. This is regarded as a very healthy sign of a general appreciation of the importance of the Maori language.

300. In Norway, from the broad terms used in drafting the relevant provisions quoted under "At primary level" it may be assumed that the Same-language instruction that is available in Same districts is available to non-Same students in those districts at secondary school level (see para. 307 above).

(d) At tertiary level

301. As regards New Zealand, it has already been stated that Maori has been accepted as a Bachelor of Arts subject since 1926 and that since the 1950s several universities teach the Maori language. Courses in Maori are now given in five of the six universities in the country and its introduction to the sixth has been foreseen for the near future. The Government has pointed out that "a high proportion of the students taking Maori at university are non-Maori."

302. It has also been indicated that in Mexico and Guatemala some universities provide special courses in the relevant principal indigenous languages. 49/

303. In the United States of America, courses are offered in a number of universities and colleges. They are available to both indigenous and non-indigenous persons who are interested in this effort.

304. According to information provided by the Government of Panama, university language curricula have included special courses in the indigenous languages (Cuna and Guaymi), as second languages, since 1973.

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49/ See para. 277 above.

305. As has already been mentioned, the Norwegian government has stated that non-Lapps have also availed themselves of the existing facilities for learning Lappish and that occasional non-Lappish-speaking pupils complete such courses. 50/

306. In Paraguay, the Paraguay Guaraní Language Institute, already mentioned, 51/ organizes foreigners and beginners' courses and specialization, grammar and teachers' courses, and the Higher Institute of Languages, which is part of the National University, issues B.A. degrees in the Guaraní language.

307. The Swedish government has stated that at university level, the language can of course be studied by anybody irrespective of ethnical origin. Instruction in the Lappish language is given to the non-Lappish persons at the College at Jokkmokk.

308. In Finland Lappish can also be studied at the Universities of Helsinki, Turku and Culu as well as in the Summer University of Lapland. In the University of Culu the Lappish language and culture constitute a separate subject in the education programme. Furthermore, the Lappish language and culture are taught at the Christian Citizens' Institute of Lapps in Inari and in the Citizens' Institutes of Inari-Utsjoki and Enontekiö-Muonio. The instruction given in Lappish is aiming at both the learning of language and the development of it. The emphasis varies depending on the institute and the needs.

309. In Australia general courses on Aboriginal languages are available in a number of tertiary educational institutions, and as a part of some teacher training courses. Intensive courses aimed at fluency in a particular Aboriginal language have recently become more popular and more widely available, for example the Department of Adult Education of the University of Adelaide offers regular intensive courses at both introductory and advanced levels in Pitjantjatjara, a central Australian language; and the Institute for Aboriginal Development in Alice Springs, a private organization supported by Commonwealth funds, offers courses in two Aboriginal languages.

310. In Malaysia if any Government Servant can show that he requires a knowledge of an Orang Asli Language in order to carry out his duties then the Government will be prepared to pay a bonus of \$1,000.00 to such an officer should he succeed in passing a Government prescribed examination in such language. In addition all Group III, II and I personnel of this Orang Asli Affairs Department are required to pass an examination in one or more Orang Asli Languages, in order to be confirmed in their appointments.

(c) In adult education arrangements

311. Paragraphs 285 to 291 above also apply here, since the activities concerned are open to indigenous and non-indigenous persons who wish to engage in them.

312. Once again, it should be stressed that the interest shown in learning these indigenous languages will be an indication of the presence of those languages and their importance for society as a whole, as well as an indication of personal interest by the individuals who devote time and effort to this purpose.

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50/ See para. 292 above.

51/ See para. 288 above.

## G. Study of indigenous languages

### 1. Initial remarks

313. A large number of the indigenous languages in common use today in the various countries covered by this study are unwritten languages which have survived through oral tradition from generation to generation despite centuries of concerted linguistic aggression through formal education and lack of recognition.

314. Many of them have lost some of their vitality. But others are vibrant, living languages, an integral part of the culture of the indigenous peoples, a means of cultural training and an important symbol of their determination to defend, preserve, develop and transmit to future generations this cultural heritage which is the essence of the values of the indigenous ethnic identity.

315. However, to be used for the purposes indicated in the previous sections of this chapter and to aspire to recognition as official languages of the States concerned, indigenous languages must be capable of expression in writing. To this end, they must be studied thoroughly in all their important grammatical and philological aspects and the necessary text books prepared.

316. Alphabets must be devised, where they do not exist, and then tested, improved and screened before being made official; vocabularies, glossaries and dictionaries of those languages must be prepared, and also bilingual dictionaries where none exist. Certain vitally important texts must be translated into those languages and others made available to the persons concerned in the official language of the country and the other relevant languages. It will also be necessary to prepare materials essential for the purposes indicated and for such other purposes for which these languages are used.

317. In this connection, in addition to the school materials already mentioned, attention must be given to the preparation of educational materials and teaching aids such as primers, readers, textbooks, etc., which will have to be studied very carefully because of their extreme importance in teaching indigenous languages and reading and writing in them. The materials required for teaching the official language to persons newly literate in their own language also require careful study and special programmes, because a special approach is needed which is not used in the case of students who learned to read and write in that language and already know it well.

318. Bilingual teachers must be trained and materials must be prepared to enable existing teachers in the country or the region concerned to acquire the necessary knowledge of indigenous languages.

### 2. Research and study

319. In Australia for many years Aboriginal languages have been studied and recorded by a variety of public and private institutions and by individuals. Since the inception of the Australian Institute of Aboriginal Studies in 1961, the Institute has carried out a vigorous and wide-ranging programme of research on Aboriginal languages.



320. In 1965 a Linguistic Programme was initiated to create an active policy and interest in the universities in Aboriginal linguistics. A number of scholarships and fellowships were provided in the universities for linguists to study Aboriginal languages. The Institute has sponsored and assisted over 100 studies in Aboriginal linguistics. Most of these have been in depth studies of a single language.

321. In Colombia activity in linguistic research has centred on the attempt to study and record the country's indigenous languages. The Summer Institute of Linguistics initiated this project in 1963, with the co-operation of the Government's Division of Indian Affairs.

322. In Malaysia an increasing number of studies of Orang Asli groups including linguistic matters are being made by Malaysian Universities in the form of student theses for degree awards and also by students and graduate students of overseas universities. A condition of such studies or theses is that a copy must be supplied to this Department.

323. As already mentioned, in New Zealand the Education Department is active in providing material for the study of the Maori language and the five universities which cater for the Maori language are carrying out linguistic research and fostering the study of the language on the widest scale.

324. In Sweden the language question has also been a subject of great interest. The main concern has been to determine how the Lappish Language can best be preserved and renewed. The dialect that has received the most attention scientifically is Finnmark Lappish.

325. As concerns "tribal languages" in India, the only information available to the Special Rapporteur is in connexion with the Central Institute of Indian Languages and restricted to reporting that "The study of tribal languages with a view to devising suitable material for teaching Indian languages to them and teaching their languages to others is a special responsibility of the Institute".

326. In Finland three of the country's institutions of higher education, as well as the Summer University of Lapland offer possibilities for studies in the Lapp language. Some of the difficulties encountered in teaching the Lappish language have been outlined above, and include the following: (1) the Lappish language is very little cultivated in written forms; (2) there are several dialects and vernaculars spoken in different regions; (3) the spelling used by the Lapps in Finland and in neighbouring countries differ from one another; (4) there is a lack of teachers with a fluent command of the Lappish language.

327. It has been stated that in Paraguay there is no study of the indigenous languages beyond individual and isolated efforts of one or two scientists.

328. During his visit to Paraguay in June 1974, the Special Rapporteur spoke to the Vice-President of the Academy of Guaraní Language and Culture which had been established in Asunción a short while previously and was informed that the Academy was planning to carry out thorough, systematic and technical studies on this language.

329. The Government of Canada has stated that in many areas of the country the Government assists local Indian groups to develop the use of their languages. With the aid of grants and technical assistance, programmes have been instituted to create reading and teaching materials in one language and to revive several other languages. Several southern universities have Centres of Indian studies, and many universities include a study of Indian and Eskimo linguistics in specialized departments.

330. The Inuit Tapirisat of Canada has stated that Canadians have managed it thus far, with two official languages and an official policy of multi-culturalism which claims to offer equal opportunity to all, regardless of ethnic background. The Inuit of Northern Canada want to be partners in Confederation, too. They have their own problem in communicating. The language is basically the same wherever Inuit live, but dialects are different. And the written language is also different - syllables in Northern Quebec, the Daffin Region and Keewatin; Roman orthography in Labrador, parts of the Central Arctic and the Western Arctic. That's why the Inuit Language Commission was launched late in 1973.

331. Priority tasks include the development of a standard system of writing in Inuktitut, and some input into the school curriculum in the North. To that end, some fundamental questions are being put to Inuit residents of Arctic Canada:

1. Should we think of adopting an international writing system with an orthography that is understandable in Canada, Greenland and Alaska?
2. Should Inuktitut be a real working language?
3. Can we create a university - an Inuit centre for advanced learning?
4. Should Inuit Tapirisat teach its philosophy to Inuit students?
5. Should Inuit assume all responsibility for education of Inuit?

Like the Inuit Cultural Institute, the Language Commission is concerned with salvaging what remains of a unique culture and a way of life. Language is an integral part of culture. Written communication is increasingly important as a means of exchanging views and ideas. In the long-run, a standard orthography would help Inuit to unite in their efforts to become equal partners in a multi-cultural Canada.

332. In Panama linguistic studies over the past four years have resulted in the creation of official alphabets for the indigenous languages of the country. Research was conducted in the first place by the Summer Institute of Languages, which concluded a 10-year contract with the National Government; by missionary groups, such as the Mennonite brethren and the "A Nuevas Tribus" group, and by individuals working independently among the various indigenous communities of the country. In the second place, the Historical Heritage Department of the National Institute of Culture and Sports is conducting research on the Cuna language through its Linguistics Section and is also responsible for co-ordinating the work of the bodies mentioned above and publishing the linguistic studies carried out in this field.

333. According to information provided by the Finnish Government, in 1971 the Nordic Lapp Council established a language working group to prepare a Lappish dictionary. It also studies the possibility of developing a common language and orthography for all Lapp populations in the Nordic country. The Lapp Institute which was established in Norway at the initiative of the Nordic Council is working on the systematic development of the Lappish language. Also in Finland, some efforts have been made recently to unify the spelling and to develop a common Lappish language.

334. As per information transmitted by the New Zealand Government the Maori language is, like many others, deficient in scientific and technological terms. This gap has been filled by transliterate terms used in English if there is no other way of expressing a particular concept in Maori. There is a considerable battery of such transliterated words that are widely known to and used by the Maori people.

335. In Mexico, the National Institute of Anthropology and the Centre for Advanced Research have a linguistics department which carries out studies on indigenous languages.

336. The situation is similar in Guatemala, where there is also the Maya Quiché Language Academy, which operates in Quezaltenango, the second largest city of the country. The Academy, whose teaching staff consists largely of indigenous persons, is concerned with the historical and technical study of the Maya-Quiché languages, in particular the Quiché language. It has put forward several formal proposals on matters including an alphabet for the language and on certain aspects of spelling and syntax. (See also, para. 342 below).

337. In New Zealand the Education Department is active in providing material for the study of the Maori language and the five universities which cater for the Maori language are carrying out linguistic research and fostering the study of the language on the widest scale.

338. Some activities seem to involve salvage operations through which some indigenous languages can be recovered and revived. Thus, according to the Australian Government, some of the study programmes sponsored and assisted by the Institute of Aboriginal Studies involve "salvage" work on disappearing languages spoken by a few persons only. The Institute has published a number of monographs on Aboriginal language studies.

339. In Canada several languages, including Mohawk, Algonquin, Cree, Ojibwa, Sioux, Gitksan, Kluane and Nootka are being revived with the aid of grants and technical assistance.

3. Rendering oral indigenous languages into written form. Preparation of alphabets, glossaries of terms and dictionaries. Grammatical and philological studies

340. In Peru, Decree-Law No. 12,156, which declared Quechua to be an official language of the country on an equal footing with Spanish, provided for "research into, and teaching and promotion of" Quechua and for the preparation of dictionaries, texts, manuals and other documents necessary for full compliance with that Decree-Law (article 4). Information on the practical implementation of these legal provisions, which imposed special obligations on the State in this regard, was not available to the Special Rapporteur.

341. In Panama, official alphabets for the country's indigenous languages, have been devised on the basis of the linguistic studies conducted (see paragraph 332 above).

342. In Guatemala, alphabets have been prepared for the great majority of the country's 23 indigenous languages. These alphabets have been made official and have been applied in preparing educational materials and teaching aids for use in teaching reading and writing in indigenous languages. Grammars and dictionaries exist in various languages and in some cases bilingual dictionaries with Spanish. In recent decades a number of specialist studies have been made of various indigenous languages. The principal bodies active in this field, apart from the Maya Quiché Language Academy mentioned above, are the National Indigenous Institute - a State agency - and two private bodies, namely the Summer Institute of Languages and the Francisco Marroquín Language Project, which are both concerned with the study of vernacular languages, particularly from the standpoint of applied linguistics. In addition to the preparation of official alphabets for those languages, this work involves publication of grammars, popular reading primers, translation of literary and technical texts and other necessary tasks.

343. In India under the scheme for the development of modern Indian languages, assistance is provided to voluntary organizations for bringing out publications like encyclopaedias, bilingual dictionaries, books of knowledge, catalogues of manuscripts and books of cultural, literary, Indological and scientific interest. Grants are given for holding literary conferences, seminars and exhibitions for the development of Indian languages. Assistance is also given by way of purchasing copies of printed publications. Production of books in Urdu and Sindhi has been undertaken at the Central level. State Governments are given special help for the production of university-level books in regional languages.

"The Central Institute of Indian Languages, Mysore, serves as a nucleus to bring together all the research and literary output from the various linguistic streams to a common head, thereby demonstrating the fundamental unity of the country. It achieves this by identifying the bonds of unity among different Indian languages in terms of history, vocabulary, cross-fertilization, grammar, linguistic structure, literary and cultural themes and subject content. The Institute also evolves techniques for the teaching of languages and preparing basic vocabularies. The study of tribal languages with a view to devising suitable material for teaching Indian languages to them and teaching their languages to others is a special responsibility of this Institute.

"For facilitating multi-lingualism and for implementing the three-language formula, four regional centres of the Institute at Bhubaneswar, Mysore, Patiala and Poona impart training to teachers in second language teaching."

344. In Australia the Summer Institute of Linguistics (Australian Aborigines Branch) trains linguists and supports and co-ordinates their work in the field, in co-operation with the Commonwealth and State Aboriginal Affairs authorities and the Australian Institute of Aboriginal Studies. The work of this Institute involves recording and analysing the language and workers generally undertake the production of educational and other materials in the Aboriginal language, and the translation of Aboriginal songs and myths into English. The Commonwealth Government provided funds in support of work undertaken by the Summer Institute of Linguistics.

345. In Mexico there are numerous grammatical and philological studies of indigenous languages and also dictionaries and bilingual textbooks.
346. In Colombia, in this respect the long-range goal is to devise for each language a written vocabulary that may be transcribed into Spanish. The Colombian Government hopes to facilitate communication and education of the Indians, thereby easing their assimilation into the larger society.
347. According to the Canadian Government systems of syllabics for the Cree and Eskimo languages were originally conceived by missionary teachers and are still preferred to a system of orthography devised under the aegis of the Eskimo Linguistic Section of the Educational Division Department of Indian Affairs and Northern Development. The Olivetti Company has devised a standard Western Cree syllabic keyboard, and is now working on an Eastern Cree syllabic keyboard.
348. According to the Government of the United States the indigenous languages were not written languages but oral ones prior to the coming of the Europeans. Some Indian languages have been rendered into written forms by scholars. Those written forms are used to teach indigenous children the correct and written form of their own language.
349. The Indian languages, in some cases, have been made written languages. Sequoyah, one of the most brilliant figures in the annals of the American Indian, devised a system of writing for the Cherokee in about 1821. This is the only case in American Indian records of a writing method invented without white prompting. Other Indian languages have been made into written ones by anthropological linguists or through Federal projects - for example, the Navajo language.
350. There is some interest in compiling dictionaries on the part of Indian tribal groups, religious workers, and interested non-indigenous people. There are dictionaries of the Papago, Cherokee, Chickasaw, Navajo and Sioux languages and probably several more.
351. In Norway work on the study and development of the Lapp language is being carried on at Oslo University, Tromso University and the Lapp Institute in Kautokeino, among other institutions. In this connexion it may be mentioned that the older form of the Lapp written language (from the second half of the last century) is based in the main on the Karasjok dialect. The Bible, for example, has been issued in this language. Since World War II, however, the so-called Lapp written language has been developed, based rather more on the Kautokeino dialect. This written form of the language can be used in a larger area, even among Swedish Lapps. However the two written languages are not very different, so that a person who has learnt one of them is easily able to read the other.
- "The aim of the central authorities is to improve living conditions for all minority groups, not only socially, culturally, legally and economically, but also in respect of the individual's existence in human terms. Institutions and organizations of both a public and private character co-operating to achieve this aim."
352. In Sweden, in 1929 appeared an exhaustive text-book in three parts, comprising grammar, texts and glossary, by Konrad Nielsen, professor of Finno-Urric languages in Oslo. The vocabulary is presented in a most exemplary way by the same scholar in his Lappish Dictionary, of which the third and last part appeared in 1938.

353. A related question has to do with the use of the Lappish Language in the schools. A beginning has already been achieved through the publication of a Lappish grammar and a number of textbooks written in the so-called North Lappish dialect, which is spoken by about 75 per cent of all Lapps. A common orthography has been adopted for both Sweden and Norway.

354. In New Zealand the Maori language was first committed to writing in 1814 since when there has been an officially recognized orthography. The standard Maori dictionary is revised every few years by competent Maori linguists and is published by the Government Printing Office. There are other smaller dictionaries and numerous Maori grammars. The Maori language is, like many others, deficient in scientific and technological terms. This gap has been filled by transliterate terms used in English if there is no other way of expressing a particular concept in Maori. There is a considerable battery of such transliterated words that are widely known to and used by the Maori people.

355. In Pakistan a programme has been initiated to teach the regional languages including Baluchi and the Federal Ministry for Education has undertaken compilation of the working vocabulary of about 15,000 Baluchi words which could be of use to other linguistic groups.

356. In Guyana the Wai-Wai language has been reduced to writing and a number of primers produced in that language with the result that some seventy-five per cent of the adults are more literate in their own language. Several portions of the New Testament and parts of the Old Testament have been translated in Wai-Wai.

357. In Malaysia there are, as far as is known, no recognized alphabets, dictionaries, grammars, etc. of any Orang Asli languages, or the transliterations of important texts to and from any Orang Asli languages. In the case of Orang Asli languages no written texts exists, as all literary culture is, as has been stated previously, oral in form. Dr. G. Diffloth of Chicago University is understood to be engaged in producing a Semai/English Glossary which should contain 20/25,000 terms.

358. In Japan a phonetic alphabet for the Ainu language was devised by John Batchelor at the end of the nineteenth century.

359. In Chile, the Government states, many publications, especially grammars and dictionaries, exist in Mapuche, although it is not an official language.

4. Translation of important texts into the vernacular languages and from these languages into others

360. The Australian Government reports that workers in the Institute of Aboriginal Studies generally undertake the translation of Aboriginal songs and myths into English.

361. In Pakistan the Language Committee of West Pakistan has undertaken a project to translate many provincial acts, records and documents from English into Urdu.

362. In New Zealand a draft submitted to Parliament makes provision for the establishment of a service for the translation of important documents to be set up in the Department of Maori Affairs.

363. According to the Finnish Government ..... so far, official texts are not regularly translated into Lappish through the State action. However, this lack has been partly compensated by the fact that most of the Lapps in Finland possess the knowledge of one of the official languages of the country.

364. The Malaysian Government has reported that it can be said that although for practical reasons it has not been found possible to translate nearly all types of documents or codes into all Orang Asli Languages, or indeed into any of them, the Orang Asli themselves do not suffer any difficulties from this. The Government has added that, as far as is known, there are no translations of important texts to any Orang Asli languages, nor from those languages into others.

365. The Mexican Government states that there are many translations of indigenous texts into Spanish and of Spanish texts into various indigenous languages. INI is at present preparing translations of the up-to-date text of the General Constitution of the Republic into various indigenous languages.

366. The Norwegian Government states that very little technical and specialist literature has been translated into Lappish. This is connected with the fact that cost of publishing it in translation for such a limited readership would be disproportionately high. Foreign, i.e. French, English and German, specialist literature is very rarely translated into Norwegian because the majority of readers will understand the original language. Some fiction and poetry however, is Lappish in the original, and more is expected to follow. As to translations into Lappish, attention is drawn to Report to the Storting No. 13 (1974-75) and to extracts from NOU 1972: 33 concerning a regional plan for Northern Norway. The Ministry of Agriculture has arranged for the translation into Lappish of regulations for the purchase of stock reindeer and regulations concerning grants for operative costs in reindeer husbandry.

367. In Burma one of the oldest and most active of the private learned organizations is the Sarpay Beickman Management Board. This group, formerly called the Burma Translation Society, produces, translates, publishes, and distributes books in Burmese and indigenous languages and encourages research in Burmese literature and fine arts. It was, and remains, in the forefront in providing textbooks for Burmese schools. The board also maintains a public library in Rangoon stocked with over 50,000 volumes, about 30,000 of which are in Burmese.

368. According to the Government of the United States the American Indian population of the country is less than 1 per cent of the population of the United States and there are over 400 tribes. It is therefore difficult to include all tribal languages in much material since to do so would serve a very small number of persons. Some tribes have official interpreters who speak both the tribal language and English and who are called upon to function in particular tribal situations. The translations of important documents seems to be one of those situations, as per additional data available to the Special Rapporteur and as communicated to him during his visit to the United States in 1977.

369. It has been stated that one aspect that really would need translation is the body of Indian law so that the indigenous population affected by these provisions might know what they contain!

"Virtually every part of an Indian's life is covered by some law or regulation, but little effort has been made in the 150 years of the existence of the Bureau of Indian Affairs to translate major regulations and laws into Indian languages so that those who are expected to obey or be governed by them will have notice of the law." 52/

370. Similar complaints exist in many countries. 53/ As regards New Zealand the Citizens Association for Racial Equality has stated that "government and public notices are rarely translated". According to the Government, legislation introduced into the New Zealand Parliament aiming at the recognition of Maori as one of the official languages of the country would also provide for setting up - in the Maori Affairs Department - a service for the translation of important material, as mentioned in paragraph 362, above.

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52/ "American Indian Response to the Response of the United States of America", in American Indian Law Newsletter, Special Issue No. 11, 1974, p. 41.

53/ In the Latin American countries, for instance.



5. Preparation of materials

371. In order to use indigenous languages in education and the mass media, it is essential to prepare and publish the relevant materials in some form. The training of specialists, mentioned in the information on various countries, also requires adequate materials. Thus, in all the countries where indigenous languages are used for education, for training of specialists in various branches, for at least some radio and television broadcasts and certainly for the press and other publications of various kinds, the necessary basic materials have to be prepared. Something is said about this subject in the relevant parts of this chapter and also in connexion with education and occupation, employment and vocational training.

372. In Canada there exists in Nova Scotia, a project financed by a cultural grant to create reading and teaching materials in Micmac language.

373. The Norwegian Government simply states that textbooks in Same Language are published. In central Norway there is quite a small group using the southern Same dialect. For these Same people, up to now, only one reading book has been published.

374. According to information furnished by the Australian Government, workers at the Institute of Aboriginal Studies generally undertake the production of educational and other materials in Aboriginal languages.

375. The National Institute for Indigenous Affairs of Mexico is preparing for publication bilingual manuals and texts for the indigenous communities and ejidos, for bilingual leaders and teachers and for Government personnel and will be promoting and organizing training courses for members of the ejidos and communities.

376. It has already been stated that in Guatemala, the National Institute for Indigenous Affairs is co-operating with private bodies such as the Summer Institute of Languages and the Francisco Marroquín Institute, inter alia, in the production of educational materials or teaching aids in indigenous languages. Popular materials of general interest have also been produced in many of the country's various indigenous languages.

377. In New Zealand, as already mentioned, the Education Department is active in providing material for the study of the Maori language and the five universities which cater for the Maori language are carrying out linguistic research and fostering the study of the language on the widest scale. Maori texts are available and considerable work is being done in the universities to increase the supply. Important texts, such as the Universal Declaration on Human Rights, have been translated into Maori and made freely available to the Maori community.

378. In the United States, the Bureau of Indian Affairs has produced some bilingual materials as explained above. The Government has reported that because of the great number of languages and the small number of members of linguistic groups it is difficult to include all tribal languages in such materials since to do so would serve a very small number of people.

379. More specifically in connexion with religious and church materials, in Norway the religious publications Muorttanaste is only in Lappish, and Samenes Venn, the Lapp Missionary Society's press medium, usually includes articles in Lappish. "The Church has used Lappish longer and more often than any other institution. The whole church service (the Prayer Book) is in Lappish in Lapp districts, and divine service is often held in Lappish with simultaneous translation into Norwegian."

380. In Paraguay, there exist some religious texts edited by missionaries.

6. Training of teachers and experts

381. However well conceived and well planned they may be, and even if there are adequate means and resources, educational programmes will never produce the results that they should unless they are properly executed. The personal qualities and vocational training of the language experts and teachers and their knowledge, understanding and appreciation of indigenous culture and language are essential for the satisfactory functioning of the programmes. Hence the importance of careful selection and training of teachers, who should preferably be indigenous and speak the languages of the groups among whom they perform their important work. Similarly, it is necessary to train language experts, who will play an essential role in equipping these teachers and preparing the materials they are to use.

382. Information is available on only a very few countries (Guatemala, Mexico and the United States). Starting with Mexico, the National Institute for Indigenous Affairs has set up a centre at Acayuca, Veracruz, to train indigenous teachers as language experts. The tasks of these experts include giving guidance to bilingual teachers in preparing primers and teaching material.

383. According to information furnished by the Government of the United States "There is Indian preference regulations in the hiring of teachers for Bureau of Indian Affairs schools. However, not enough Indian people are qualified for teaching positions to fill the openings. Qualifications for teachers are similar to those for non-Indian schools. As a result, non-Indians often teach Indians but in the primary grades there is often an Indian teacher aide who is a member of the tribe - or one of the tribes - served by the school and speaks the language of the tribe if a tribal language is still in common use."

384. In Guatemala there are various projects and programmes for training rural indigenous teachers. In October 1959 the Quiché Rural Training College was set up in Totonicapán, for training rural teachers particularly well qualified to give bilingual instruction to the indigenous population in the western part of the country. On leaving the College, teachers give classes in the rural schools of this region in the Quiché language during the first year, with Spanish teaching beginning in the second year of studies. In December 1959 the Quiché Central Cultural Institute of Alta Verapaz was established. Its objects and methods are similar to those of the Quiché Rural Training College, but in the Quiché-speaking region, students must wear regional dress. The Western Regional Training College, Santa Lucía Utatlán, Solalá, trains teachers of various languages of the western part of the country so that they may return to their communities and teach in their respective languages and in Spanish. All the students and the teaching and administrative staff live in the College which contains a variety of facilities. Emphasis is placed on knowledge of the respective indigenous language in the criteria governing selection of students and their stay in the College. "Does not know his native language" is a reason for rejecting applicants, on the basis of oral and written examinations conducted at the establishment. Since every student speaks at least one of the country's indigenous languages, courses in those languages take the form of a kind of a continuous seminar with the following objects, among others:

- "(1) Allowing all students to practise their vernacular language and not abandon it;
- (2) Enabling students to acquire a better knowledge of the grammar and structure of their native language and an awareness of its value;
- (3) Arranging for students to carry out comparative studies with a view to identifying similarities and differences and thus finding a better method of communication between the different language groups of the country;
- (4) Improving students' use of the languages for the purposes of spoken and written communication."

H. Teaching of the official language to indigenous persons and access by such persons to written materials in that language

1. Initial remarks

385. In the preceding parts of this chapter it was stated that it is appropriate to use the indigenous languages in various State activities, including public education. It was mentioned in the relevant part that indigenous schoolchildren who do not know the official language must be taught reading and writing in their mother tongue, even though later on they may receive instruction in another language as they continue their studies. This use of the vernacular language in teaching children to read and write helps to consolidate their cultural and linguistic base before they go on to learn the other language with all its cultural ramifications. This also applies mutatis mutandis to literacy for adults, in whose case this base may be considered to have been consolidated when they have learnt to read and write their own language.

386. In considering the teaching of the official language to people who speak the indigenous languages, it is essential to take account of the needs and interests of indigenous persons, bearing in mind particularly - and this must be repeated - that the second language should never start to be taught, either to schoolchildren or to adults, until they have a sound grasp of reading and writing in their own language.

387. It is vitally important that indigenous populations should not be forced to learn the official language; that teaching of the official language should not be seen as incursion or aggression directed against indigenous languages; and that it should not be taught from the narrow point of view of establishing the domination of a supposedly superior language. Rather, it must be conceived as a contribution freely accepted by the indigenous populations for their own benefit, as providing a means of communication between groups speaking mutually unintelligible languages.

388. Thus, the official language can serve as a means of communication or a lingua franca between groups who speak different vernacular languages and do not

understand each other, and between the individual groups and those who do speak the official language, whether other segments of the country's population or the populations of other countries who have the same official language.

389. It is worth remembering that where the second language is an international language, the people who learn it will have the benefit of gaining access to scientific and technical literature which may be useful to them, as well as cultural contacts - but the important point is that this should be done from a position of strength and a solid foundation already established in their own culture and language.

390. The need for proper teaching of the official language should be emphasized, for a second language which has not been learnt well will give rise to more difficulties and problems than advantages. There will then be problems of incompetence and growing frustration leading to embarrassing situations and a sense of inadequacy and ineptitude; this does not solve anything and inflicts humiliation on people who have not acquired a proper knowledge of the language they are trying to use.

391. Teaching the official language can help indigenous people out of a linguistic isolation which cuts them off from other groups and denies them access to opportunities which should be open to everyone. It is essential, therefore, that they should not be taught merely rudiments of limited use; they should be given comprehensive instruction in the official language so that they can use it correctly and effectively in the same way as the other sectors of the population. They must also be provided with the reading matter which enables them to keep up the second language at a functional level, for without it, facility in the language will soon be lost, and with it the usefulness of the language.

## 2. Examination of available information

392. In all countries for which there is information susceptible of analysis in this regard, the official language 54/ is taught throughout the country at all levels of instruction and in educational institutions of every kind. The situations existing in the different systems, as reported in the information available to the Special Rapporteur, are examined in the following paragraphs.

393. Regarding certain countries 55/ there is no specific information on these matters. Nevertheless, from the content of other information available on them it may be assumed that the official language of these countries is the language of instruction at all levels and in all types of public educational institutions, as this is one of the fundamental functions of any official language and among the main reasons for its adoption as such, apart from its use in official matters.

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54/ The expression "official language" will be used in the general discussion in this part although there are countries in which more than one language is official (e.g. Canada, French and English; Finland, Finnish and Swedish; Philippines, Tagalog and English).

55/ No specific information was available on this point as regards Argentina, French Guyana, Honduras, Japan, Philippines, Sri Lanka, Suriname and Venezuela.

394. Some information is available on other countries regarding the choice of official language, sometimes also referring to the fact that this language is also considered to be the "national" language of the country, or mentioning some of the responsibilities of the State as regards that language, and these provisions are revealing of some of the functions of the official language. In some cases, in fact, all that has been available to the Special Rapporteur are the constitutional or other fundamental legal provisions that are transcribed below. For example, in Nicaragua, article 6 of the Constitution contains the following provision: "Spanish shall be the national and official language of the State". In El Salvador, article 11 of the Constitution provides: "The official language of the Republic shall be Spanish. The Government shall be obliged to ensure that it is preserved and taught." In Pakistan, the pertinent provisions of article 251 of the Constitution declare: "(1) The National language of Pakistan is Urdu, and arrangements shall be made for its being used in official and other purposes within 15 years from commencing day, (2) Subject to clause (1) the English language may be used for official purposes until arrangements are made for its replacement by Urdu." As can be seen, the scope of these provisions varies from case to case.

395. It is not a far-fetched conclusion, however, to assume that as official languages and particularly as part of the duties of the State to promote their preservation and teaching or as an example of the "other purposes" for which they are "to be used", they should be used as the language of instruction in public schools.

396. There are somewhat more explicit data concerning other countries.

397. The information available on these aspects will be organized as follows: countries in which the indigenous language is used at initial grades in primary education to teach indigenous pupils how to read and write, the official language taking over afterwards as the only language of instruction; and countries in which instruction of indigenous languages is available throughout, at all levels of education and in all types of schools, as second languages and as optional subjects, all other instruction being carried out in the official language which is the language of instruction.

398. Countries in which all public instruction is to be carried out in the official language, to the exclusion of all others, will be discussed in the first place.

399. As reported by the Government of Japan, Japanese is the only language of instruction and the Ainu are not taught in their language at any stage of public schooling.

400. The official language of Malaysia is the Malay language as provided by the Constitution (Art. 152(1)). Instruction at primary, secondary and tertiary levels is carried out in the Malaysian language. It may be noted that in all schools visited by the Special Rapporteur during his official visit to Malaysia in June 1973, instruction was imparted in the Malay language.

401. In Chile, according to information provided by the Government, indigenous schoolchildren learn to read and write in Spanish: "Instruction in speaking and writing correctly is given solely in Spanish, which is the official language of the Republic" and "instruction is given by teachers of indigenous and non-indigenous origin, using only the Spanish language".

402. In Costa Rica, education at all levels and in all institutions is provided in the official language, Spanish. Thus, indigenous people continue to be taught at all levels in the official language and not in their own language. As already indicated, this puts indigenous children attending primary school at a disadvantage. It has been pointed out that "indigenous persons have access to all information media using this [i.e. the official] language once they have learned it".

403. The Constitution of Panama states that Spanish is the official language of the Republic (article 7) and that the State shall ensure the protection, dissemination and purity of the Spanish language (article 77). As already stated, it is intended to promote bilingual literacy programmes in the indigenous communities, but at the time information was provided in connexion with the present study, this had not started. Thus, according to information from the Government, Spanish was still being taught "as a mother tongue".

404. In other countries instruction at all levels and in all types of educational institutions is in the official language. As explained before, indigenous tongues are admitted at initial stages of schooling, in recognition of the lack of sufficient knowledge of the official language by the indigenous pupils who have been speaking an indigenous language at home. At a certain level the official language takes over and becomes the exclusive language of instruction. This is the most generalized kind of approach.

405. In Indonesia the number of people who speak Bahasa-Indonesian is growing rapidly since the government has made it the language of instruction in its educational programme for both adults and children except in grades 1, 2 and 3, in which it shares this function with local languages. (see paragraph 234, above).

406. As to the access of such people to all information media utilizing that language, it should be noted that, as stated before, "all official government publications are in Bahasa-Indonesian". Translations will be provided "only if necessary and then they will be oral".

407. English is the official language of Guyana and is taught at all levels and in educational institutions of every kind and indigenous persons have access to information media utilizing that language.

408. English is used throughout Australia at all levels and in educational institutions of every kind. Aboriginal children are taught English as a second language where their mother tongue is an Aboriginal language. All children are taught to read and write the English language.

409. In Burma, Burmese is the only authorized language of instruction and is a compulsory subject in all primary schools. The literary form differs considerably from the spoken. Thus the child who learns to read Burmese does not learn the same form he has been talking for the previous years of his life but is acquiring a new form of the language, which he will solely use when he is called upon to make a formal speech.

410. In Bolivia, Spanish is the official language and the language of instruction and, as such, it is taught at all levels and in all kinds of institutions. The use of the Quechua and the Aymara languages is limited to the initial grades and is reported not to be always available.

411. According to information furnished by the Government of the United States of America all schools Indians attend emphasize proper English speech and they teach it in a variety of ways - as a second language, in conjunction with the Indian language, etc., - so that the indigenous person may learn it better. Almost every Indian tribe has a tribal newspaper in the English language which is read quite widely by members of the tribe - depending upon their facility in the use of the English language.

412. In certain systems, three languages seem to be in general use as vehicles of instruction, although there is a certain preference for a two-language formula combining the local mother tongue to teach the children how to read and write with instruction in the official language(s) then taking over, as for example in the Philippines, in Laos and in India.

413. In the Philippines, Tagalog (Philippino) is the official language of the country and it is the language of instruction in schools. Local languages are taught in grades one and two, together with Tagalog. From grade three onwards, English is added to Tagalog, as language of instruction.

414. In accordance with article 6 of the Constitution of Laos, the official language is Lao. All Laos attend the same schools and the official language is taught at all levels. According to the information available, children at elementary school also study French. In a number of secondary schools, teaching is in French. The position of Lao is similar to that of a foreign language.

415. As has already been stated, Canada has two official languages: English and French. As has also been stated above, English and French were for many years the only languages of instruction in public schools. At present, although there is some instruction in the indigenous languages at the early stages of formal education, instruction in English and/or French is considered essential to equal opportunity both economically and socially. For these reasons both, English and French, are the languages of instruction at the higher grades and the only vehicle of educational instruction in post secondary levels.

416. According to the Government all schools in Sweden use Swedish, the official language, as the main language of instruction. Lappish is also taught in Lapp nomad schools, but, the use of Lappish language instruction should not prevent Lapps from learning Swedish, nor from participating in the activities of the community as a whole. Lappish persons have access to all information media utilizing the Swedish language.

417. In Finland, article 14 of the Constitution provides, inter alia, that Finnish and Swedish shall be the national languages of the Republic. The Government has indicated that although in primary schools oral instruction is given in Lappish, if possible, to all whose mother tongue it is, in all types and levels of education, instruction is given in Finnish or Swedish which are the national and official languages of the country. The Government has added that Lappish pupils receive sufficient instruction in speaking, reading and writing correctly the official languages of the country, and that all Lapp persons have access to information media utilizing the official languages of the country.

418. In Norway instruction in public schools is given in Norwegian as a general rule; two written forms of the Norwegian language are taught. As has been said before there seems to exist a bilingual Norwegian-Lappish language instruction at primary level in elementary schools so that the same pupils learn to read and write Lappish before going on to Norwegian, which from then on is the language of instruction at all levels and in all types of schools.

419. According to Article 176 (3) (I) of the Brazilian Constitution "elementary education shall be given only in the national language". Article 49 of Act 6001 provides, however, that "the Indians shall be taught to read and write in the language of the group to which they belong, and in Portuguese, safeguarding the use of the former tongue". It may be noted also, that in Article 9 of Act 6001, knowledge of the Portuguese language is stipulated as one of the requirements for the release of an Indian from tutelage (i.e. emancipation).

420. In Colombia the Language Protection Act, promulgated in 1960, provides that, except for words and names which cannot be translated, only Spanish must be used in the official activities listed. These include "teaching". As already indicated, it was subsequently provided (Decree No. 1142 of 1973) that indigenous people should be taught to read and write in their respective mother tongues in order to facilitate the progressive acquisition of the national language "without detriment to the former". There is no information which would indicate the scope of those words. It is therefore presumed that once the process of learning to read and write has been completed, only Spanish will be used as the language of instruction.

421. In Mexico, the official language is taught to indigenous people at primary school level, but it is not taught in any other institutions, since it is thought that the indigenous population already know enough Spanish after completing their six years of primary school education. Spanish is the language of instruction at all levels and in all types of institution, with the exception already mentioned. The indigenous population has the same opportunities as the non-indigenous population for access to all information media using the national language.

422. In Guatemala, teaching of Spanish starts at the end of the first grade. It is assumed that at that stage pupils can already read and write in their mother tongue and the object is to teach them to read and write in the two languages - their mother tongue and Spanish. Spanish is the language of instruction from then on, although reading in the indigenous language continues until the fourth grade of primary school, that is until the end of the first school cycle.

423. In Ecuador, Spanish is the official language, according to article 1 of the Constitution. As such, it is the language of instruction although, as already stated, in certain regions where the population is predominantly indigenous it shares that function with the indigenous languages of Ecuador in a manner which remains to be determined.

424. It has already been pointed out that, in Peru, Decree-Law No. 21,156 of 1975 recognizes Quechua "as an official language on an equal footing with Spanish" and provides that "the teaching of Quechua shall be compulsory at all levels of education in the Republic". It has already been indicated that according to persistent reports received by the Special Rapporteur, these provisions have not yet been given practical effect. It is assumed that only Spanish is considered as the official language of Peru today, by virtue of article 12 of the Education Act, which provides that "the entire population" shall be taught Spanish. It must therefore be concluded that Spanish is to be taught at all levels and in all kinds of educational establishments.



425. The unsatisfactory level of knowledge of the official language attained by numerous indigenous groups and persons - generally as a result of past decisions and practices of the public authorities concerned - is a common complaint in several of the countries surveyed. Such complaints appear only in the data available of a few countries. It will be presented together with information on instruction in the official language in the following paragraphs, in connexion with New Zealand, Paraguay and Denmark (Greenland).

426. In New Zealand, where draft legislation that would provide for the recognition of the Maori language as an official language, equal to English has been introduced in Parliament (See para. 51 above), English is taught at all levels and in all educational institutions of every kind. 56/ It has also been pointed out before that in many cases the level of English spoken in Maori homes is not very high. 57/

427. It has been reported that in Paraguay instruction given to students in the rural areas as well as in urban areas is in Spanish. The Ministry of Education seems to have assumed that Spanish was to be the official language of instruction even in the face of the discrepancy between the requirement for the Spanish instruction and the language ability of the pupils. It has been written in this respect:

"Even today the discrepancy goes largely unrecognized. The normal schools do not deal with the problem in their training of teachers. On the other hand, rural teachers in interviews expressed awareness of the difficulties created by monolingualism but they did not feel it was particularly serious. Instead they indicated that the difficulty encountered was a 'normal' part of teaching. In the rural areas we visited, teachers stated that although their students could not speak Spanish, almost all of them could understand it. Our classroom visits usually indicated the opposite. On a couple of occasions, we requested that a class be given in Guarani. The difference in student response was appreciable. Instead of students evidencing the apathy and lack of understanding obvious in the classes given in Spanish, student participation and interest were extremely high when the class was in Guarani.

"...

"A byproduct of the insistence on Spanish in the classroom is the widespread conviction that Spanish alone is appropriate there, even among students who speak only Guarani. So strong is this feeling that when we requested the use of Guarani both teachers and students broke into laughter. Parents who are incipient or subordinate bilinguals are often inhibited in their conversations with others because they feel Spanish is the appropriate language for such a meeting.

"...

"... throughout Paraguayan history Guarani had an important role as a means of communication for all Paraguayans and often served as a source of group identity once independence was gained. At the same time, Spanish served as the language of government and as a vehicle for communication with other countries. Through these functions, Spanish gained prestige. Thus, although Guarani seems to have been in greater use, it was often viewed with disdain as the more primitive language. As a result educational policy has always prescribed Spanish as the only possible medium of instruction". 58/

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56/ See chapter on Education, in document E/CN.4/Sub.2/L.622, paras. 351 and 354.

57/ Ibid., paras. 355 and 356.

58/ Rubin, loc. cit., pp. 480, 481 and 482.

428. As regards the unsatisfactory level of knowledge of Spanish in schoolchildren in the rural areas, it has been written that:

"Although there is a greater need for a good Spanish model in the rural areas than elsewhere, it is unfortunately true that rural teachers are often limited in their ability to speak Spanish and their general academic preparation. The result is that rural students are less skilled in Spanish and in their school subjects than their co-equals in town.

"The lack of attention to the language problem resulting from the fiction that Spanish is heard by all has many serious repercussions. To mention one, students acquire Spanish very slowly. High-school teachers reported that students in the seventh grade level were often so deficient in Spanish that they could not understand instruction in that language adequately.

"Most rural speakers who have had only second- or third-grade education are not very proficient speakers of Spanish. In fact, there is a high correlation between the degree of proficiency in Spanish and the number of school years completed. The number of years of school completed is the major determinant of the linguistic skill of rural inhabitants and indeed, a major determinant of the skill of many townspeople as well." 59/

429. In Denmark the report of the Home Rule in Greenland included statements to the effect that the Commission had recommended that "provision should be made for Greenlandic to become the principal language in Greenland"; that "really thorough instruction must be provided in the Danish language" and that "the two languages be given equal status in public relations". 60/

430. According to an official Danish publication "The Greenlandic language has always been used as a school language in Greenland. The dual-language education now arranged at the larger schools aims at giving the pupils who are found suitable therefor such knowledge of both Danish and the Greenlandic language that they may naturally express themselves in either language ...". This publication also contains the following information: 61/

"The background for the development which has taken place is the ever-increasing connexion between Greenland and other parts of the Kingdom including the technical development of trades in Greenland, which makes it necessary for the Greenlanders to be able to receive education and general information in a language possessing a larger measure of technical and vocational literature. In the training in Danish modern pedagogical systems are used, the children being taught a 'basic language' comprising a vocabulary of about 3,000 words enabling them to express themselves and to read ordinary Danish.

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59/ Ibid., p. 482.

60/ INGIA Newsletter No. 22, Copenhagen, June 1979, p. 10.

61/ Report on Greenland, pp. 61, 62. See footnote 48/ above.

"In the dual-language schools physical training, physics, sloyd, needlework and domestic science are compulsory subjects. In these schools the first and second classes receive Danish language instruction in the subjects Danish, if possible, arithmetic and partially in audiovisual lessons, and from the third class and upwards the number of subjects taught in the Danish language is gradually increased, thus,

"Considering the school service as a whole, instruction in the subjects enumerated in the foregoing must be said to have been somewhat heterogeneous. In the elementary subjects: Greenlandic language, verbal and written, writing, arithmetic and religion, all children have, however, received instruction. In the subjects Danish language and singing 91.1 per cent and 83.5 per cent, respectively, of all schoolchildren received instruction. As far as many children are concerned the teaching of Danish has, however, been confined to an elementary introduction to the language."

