INFORMATION SHEET: LANGUAGE POLICY[1]

POLICY AREA / POLICY ISSUE

Culture Sector / Language

ISSUES TO CONSIDER

Most ICH-related policy-making will be focused in the cultural sector, where responsibility for implementing the Convention will also likely reside. In this sector, there may (or may not) be a close articulation between general policies for culture, heritage policies (including policies for tangible and intangible heritage), and policies around language, or other related issues.

More specifically, although language is widely recognized as a key vehicle of ICH, as well as cultural diversity and identity, and language policies can be important tools for (or barriers to) ICH safeguarding, the Convention does not explicitly recognize languages *per se* as ICH.

The United Nations system has never developed a binding international legal instrument to specifically protect linguistic rights, linguistic diversity or multilingualism. Most international legal texts that do advocate linguistic rights or linguistic diversity do so in a non-binding and restrictive way. An example is article 27 of the *International Covenant on Civil and Political Rights*, adopted by the United Nations in 1966:

> *In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.*

Within the UNESCO context the Universal Declaration on Cultural Diversity of 2001 makes the most explicit statements on linguistic rights and diversity (Article 5):

> *The flourishing of creative diversity requires the full implementation of cultural rights as defined in Article 27 of the Universal Declaration of Human Rights and in Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights. All persons have therefore the right to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons are entitled to quality education and training that fully respect their cultural identity; and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms.*

All ICH is dependent for its transmission on language and gesture. ICH was called 'oral and intangible heritage' in UNESCO discourse until the preparation of the ICH Convention. While few will deny that language in and by itself satisfies the definition of ICH as given in article 2.1 of the Convention, language is not mentioned in its own right in the non-exhaustive enumeration of ICH domains that is given in article 2.2 of the Convention. Language is mentioned in a restrictive way in the first of the domains listed: 'oral traditions and expressions, including language <u>as a vehicle</u> of the intangible cultural heritage'.[2] This wording presents a

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1. This fact sheet draws on a text by Rieks Smeets.
2. Interpretation of the expression 'language as a vehicle of the ICH' has not created any problems so far: while 'oral expressions and traditions' totally depend on language, most other domains of ICH, whether mentioned in the Convention or not, to some degree also depend on language, that is the language of the community concerned (think of theatre, songs, specialized lexicon that reflects knowledge about nature, or is used when practising or transmitting specific handicrafts).

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compromise between the opinions of States that did not want to explicitly recognize language as a domain of ICH and other States who wanted it to be included as such in the list in article 2.2. It also presents a step back from the strong link made between language and cultural identity in the Cultural Diversity Declaration.

The Convention thus does not explicitly mention language *per se* as a domain of ICH, but language is recognized as a vehicle of ICH. Languages *per se* are generally not described as elements of ICH in nominations to the international Lists of the Convention although proposed safeguarding measures can include linguistic revitalization or promotion where relevant to the viability of an element. A number of States Parties to the Convention do also take languages *per se* into consideration when implementing the Convention at the national level, for instance by including them into inventories of ICH.

Language policies thus have a great impact on the identification and safeguarding of ICH. All States have language policies, but these are not always expressed in legislation. States often select one language as their official or working language (France chose French) or a few languages (Ethiopia selected Amharic, Oromo and Tigrinya; Paraguay selected Guarani and Spanish). In federal States like Belgium or Canada several languages may have equal status in different areas of the country. States may have regulations promoting several local, regional or indigenous languages to a greater or lesser extent, alongside one (or a few) official languages. International institutions and bodies develop their own language policies.

Most States are linguistically diverse, and often very diverse. Within the nearly 200 States around the world, we can find as many as 6,000 languages. Papua New Guinea (about 800), Indonesia (about 750) and Nigeria (about 500) have particularly large numbers of local languages. By contrast, countries like Armenia, Iceland and Portugal have very dominant national languages and few speakers of other local languages. Due to migration and other forms of interaction between people, there are no strictly monolingual States today.

In many States the official language, or one of them, is inherited from previous, often colonial rulers: this explains why English is the only official language, or one of the official languages, in 58 sovereign States, French in 29 sovereign States, Spanish in 20 sovereign States, Portuguese in eight sovereign States and Russian in five sovereign States. The linguistic composition of many States is marked by recent actions by the State or other actors that aimed at homogenizing the demographics of a country, or parts thereof.

Not all multilingual States are equally happy with their linguistic diversity and quite a number of them focus on one (or very few) official language(s) to the exclusion of other languages. Such States base nation-building on the principle 'one state, one people, one language'. States that assign different statuses to the languages in their territory may be reluctant to bring language into the orbit of a Convention that advocates the equality of communities and their ICH and that requires them to take appropriate measures aimed at the safeguarding of (in principle) all ICH present in their territory.

WHAT THE CONVENTION AND ITS TEXTS SAY

The Convention

The Convention's domains include language 'as a vehicle' of the ICH:

> *The "intangible cultural heritage" … is manifested inter alia in the following domains: (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage (Article 2.2).*

Since the list of ICH domains in article 2.2 of the Convention is not meant to be exhaustive (it starts by saying: '*The ICH ….is manifested inter alia in the following domains*: …'), they do not explicitly exclude language, but neither do they specifically mention languages *per se* as ICH elements.

Operational Directives

At present, language is not mentioned in the Operational Directives.

OTHER RELEVANT LEGAL INSTRUMENTS

UNESCO Universal Declaration on Cultural Diversity (2001).[3]

International Covenant on Civil and Political Rights (1966).[4]

EXAMPLES

Armenia's Law on Intangible Cultural Heritage includes language in its definition of ICH.[5]

Some States, such as **Peru and Lithuania**, include languages in their inventories of ICH.

In 2009 the Intergovernmental Committee recognized as a best safeguarding practice a programme submitted by **Bolivia, Chile and Peru**, called 'Safeguarding intangible cultural heritage of Aymara communities in Bolivia, Chile and Peru.' The programme targets all domains of ICH and presents as one of its main areas: 'strengthening language as a vehicle for transmission of the intangible cultural heritage through formal and non-formal education'.[6]

The safeguarding plan that **China** proposed in a nomination file to the USL for the Hezhen Yimakan storytelling tradition includes the revitalization of the Hezhen language. The plan was approved by the Intergovernmental Committee when it inscribed this storytelling tradition in 2011. At present, only the elders can speak their native language, while the majority of adults and teenagers have lost their mother tongue and have increasingly become strangers to the legacy of their ancestors. The Hezhen language, as a significant vehicle for expressing and transmitting the Yimakan tradition, is on the brink of extinction. In section 3 of the file, which proposes safeguarding measures, the measures include proposals:

> *To guide young people to appreciate and learn Yimakan, to promote Hezhen mother tongue fluency, and to improve the facilities of Yimakan training bases by means of the following actions: encouraging young generations to master their native language through Chinese-Hezhen bilingual teaching programs in elementary and secondary schools in compact Hezhen communities.*[7]

RELEVANT CASE STUDIES IN THE CAPACITY-BUILDING MATERIALS

Case Study 14. ICH and social development: literacy through oral poetry in Yemen CS14-v2.0 (RU + AR: still version 1.0): English|French|Spanish|Russian|Arabic

FURTHER INFORMATION

UNESCO resources on endangered languages:
http://www.unesco.org/new/en/culture/themes/endangered-languages/

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3. http://portal.unesco.org/en/ev.php-URL_ID=13179&URL_DO=DO_TOPIC&URL_SECTION=201.html

4. https://treaties.un.org/doc/Publication/UNTS/Volume%20999/volume-999-I-14668-English.pdf

5. Republic of Armenia, Law on Intangible Cultural Heritage (2009) article 3, accessed at http://www.unesco.org/culture/natlaws/media/pdf/armenia/arm_lawintangibleheritage_entof

6. http://www.unesco.org/culture/ich/en/BSP/safeguarding-intangible-cultural-heritage-of-aymara-communities-in-bolivia-chile-and-peru-00299

7. http://www.unesco.org/culture/ich/en/USL/hezhen-yimakan-storytelling-00530

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Towards UNESCO guidelines on language policies:
http://www.unesco.org/new/en/culture/themes/endangered-languages/dynamic-content-single-view-meeting/news/towards_unesco_guidelines_on_language_policies/

Resource Network for Linguistic Diversity: language policies
http://www.rnld.org/language_policies

UNESCO ICH Messenger, Endangered Languages edition 2006.
http://unesdoc.unesco.org/images/0014/001471/147185e.pdf

QUESTIONS TO CONSIDER

- What languages are spoken by the native population of the country? What is the level of viability of those languages? If the viability of one or more of these languages is at stake, what effects does that have on the ICH of the communities concerned?

- What languages are used in administration, education, justice and the media? Are there communities or groups who do not master these official and/or working language(s) of the country? Are official/working languages the same all over the country? If not, what is the situation?

- What languages are spoken by settled groups of immigrants?

- What legal provisions or policies (if any) were developed concerning the status and use of other languages spoken in the country other than official or working ones?

- Does language play a role in the identification of communities and groups for purposes of the implementation of the ICH Convention?

- Are the basic texts of the Convention available in one or more of the languages spoken in the country?

- Are linguistic minorities, if any, involved in awareness-raising and capacity-building activities?

- In what language(s) is/are the ICH inventories (if any) presented?

- Has language, or language as a vehicle of the ICH, been taken into account in the design or the population of the inventory(ies)?

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