Chapter 10: LINGUISTIC HUMAN RIGHTS AND LANGUAGE REVITALIZATION
LATIN AMERICA AND THE CARIBBEAN

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Introduction

Although there have been favourable legislative changes regarding the status of Latin America’s indigenous (minoritised) languages, and the linguistic human rights (LHR) of speakers, over the last twenty years, optimal paths toward policy implementation have been difficult to find. Language shift from the indigenous languages to a dominant European language (Spanish, Portuguese, English) is an inexorable ongoing process, associated with poverty, racism, linguicism, and linguistic and cultural insecurity. Research shows that speakers of ancestral languages are usually placed along extreme poverty lines, for instance, Zajicová (2012) mentions that in Paraguay 76.5% of people considered poor are monolingual Guaraní speakers. Regarding language death, UNESCO (2010) predicts that by the end of this century, 50% of the world languages (6,500) will have disappeared. Language death implies the loss of unique cultural traits and historical knowledge that will probably never be recovered. Linguistic policies, as positive as they may seem, cannot be said to assure prevention of language loss around the world.

In fact, linguistic policies and their implementation in Latin America are shot through with contradictions (Rojas n.d.). Most countries show public interest in respecting individual and collective human rights and defend linguistic and cultural diversity. While potentially favourable, the exaggerated emphasis on written laws and enlarged bureaucracy in many countries hinder actual practice.² In general, most official bodies seem to confuse respect for indigenous languages with tokenistic folkloric activities. There is also a tendency to create indigenous language academies, institutes, and intercultural universities under the misconception that these will effectively promote language use. While such institutions play an important role in policy consultation and design, it is only through continuous use of languages that displacement can be prevented. Ancestral languages still suffer from low social status, another factor that does not favour maintenance. Problems also

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¹ We thank Tulio Rojas (Colombia) and Nancy Ventiades (Bolivia) for their contributions.
² Barona Becerra & Rojas Curieux 2008.
arise from the lack of clear sociolinguistic information about the populations that legislation purports to target: numbers of speakers, levels of bilingualism or multilingualism, geographic distribution (Howard 2011; King & Haboud 2002; Sichra 2009). This, together with a lack of human and financial resources, and limited indigenous participation, makes it challenging to implement well-intended laws.

Another difficulty concerns the terminology and definitions used by each group and country, worth commenting on for the purpose of this chapter. Indigenous languages are variously referred to as ‘minority’, ‘native’, ‘autochthonous’, ‘pre-Columbian’, ‘mother tongue’, ‘aboriginal’, ‘original’, ‘vernacular’, ‘indigenous’, ‘unofficial’, ‘substandard’ (Albó 1979; Hingarová 2003). Haboud (1998) suggests the use of the term ‘minoritised’ instead of ‘minority’ to underline the unequal sociolinguistic contact situation (and outcomes), whereby dominant-subordinate relations are more significant than numbers. Similarly, regarding the speakers, there are several terms in use: ‘group’, ‘indigenous people’, ‘aboriginal(s)’, ‘tribes’, ‘ethnic group’, ‘nations’, ‘nationalities’. To avoid misunderstandings, in this chapter we use the terminology most commonly accepted by each country and group without intending any specific connotation. Argentina, for instance, prefers the term ‘aboriginal’ people, while ‘nationality’ and ‘indigenous peoples’ are used in Ecuador.

Section 1
Linguistic and Statistical Overview

Despite the fact that questions on language use and identity are now commonly included in the population censuses of Latin American countries, consensus concerning numbers of indigenous groups, languages and speakers is hard to achieve; official estimates differ according to source. In Ecuador, for instance, while the Confederation of Indigenous Nationalities of Ecuador (CONAIE) claims that at least 40% of the total population of the country (14,483,500) are indigenous, the 2010 national census shows only 7.3% (1,018,176) self-identify as indigenous. These discrepancies characterize not only languages with large numbers of speakers such as Quechua (Kichwa, Quichua), but also languages with few speakers, as well as transnational languages.

An important fact regarding Latin America and the Caribbean is that most nations have indigenous groups, as displayed below:
Table 10.1. Estimated indigenous population* in Latin America

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>41,474,000</td>
<td>622,110</td>
<td>1.5</td>
</tr>
<tr>
<td>Bolivia</td>
<td>9,427,000</td>
<td>5,656,200</td>
<td>60</td>
</tr>
<tr>
<td>Brazil</td>
<td>181,604,000</td>
<td>363,208</td>
<td>0.2</td>
</tr>
<tr>
<td>Chile</td>
<td>17,010,000</td>
<td>969,570</td>
<td>5.7</td>
</tr>
<tr>
<td>Colombia</td>
<td>49,665,000</td>
<td>1,703,509</td>
<td>3.43</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>4,695,000</td>
<td>37,560</td>
<td>0.8</td>
</tr>
<tr>
<td>Ecuador</td>
<td>14,865,000</td>
<td>4,959,909</td>
<td>33.9</td>
</tr>
<tr>
<td>El Salvador</td>
<td>7,977,000</td>
<td>183,471</td>
<td>2.3</td>
</tr>
<tr>
<td>Guatemala</td>
<td>14,631,000</td>
<td>8,734,707</td>
<td>59.7</td>
</tr>
<tr>
<td>Honduras</td>
<td>8,203,000</td>
<td>263,360</td>
<td>3.2</td>
</tr>
<tr>
<td>Mexico</td>
<td>112,891,000</td>
<td>8,466,825</td>
<td>7.5</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>6,493,000</td>
<td>519,440</td>
<td>8</td>
</tr>
<tr>
<td>Panama</td>
<td>3,504,000</td>
<td>80,592</td>
<td>2.3</td>
</tr>
<tr>
<td>Paraguay</td>
<td>6,216,000</td>
<td>142,968</td>
<td>2.3</td>
</tr>
<tr>
<td>Peru</td>
<td>29,958,000</td>
<td>11,024,544</td>
<td>36.8</td>
</tr>
<tr>
<td>Venezuela</td>
<td>28,716,000</td>
<td>430,740</td>
<td>1.5</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>537,329,000</strong></td>
<td><strong>42,455,204</strong></td>
<td><strong>7.9</strong></td>
</tr>
</tbody>
</table>


Another important feature of linguistic diversity in Latin America is the number of language families found throughout the continent, which varies between 99 and 118 (UNESCO 2010). There are around 420 living languages spoken by 522 peoples in 21 countries; 17% are in Mesoamerica (Mexico included) and 27% in South America. About 300 are considered ‘endangered’ and the rest ‘vulnerable’. One hundred and three languages (24.5%) are transnational. Most of them are spoken in two countries, but languages like Garifuna and Aymara are spoken in four, and Quechua in six (Hingarová 2003, UNESCO 2010).

Languages like Quechua, Nahuatl, Aymara, Yucatec Maya and Ki’che’ have millions of speakers. More than five hundred thousand people recognize themselves as Mapuche, Maya Q’eqchi, Kaqchikel, Mam, Mixtec or Otomi; however, we need to keep in mind that ethnic identification does not always coincide with language spoken. In Ecuador, for instance, there are around 300 Zapara people, but less than 10 speakers. It is crucial, then, to rethink the language–identity relationship, as many of the groups who have lost their language forcefully maintain their

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3 Garifuna is spoken in Belize, Guatemala, Honduras, Nicaragua; Aymara in Argentina, Bolivia, Chile, Peru; and Quechua in Argentina, Bolivia, Colombia, Chile, Ecuador, Peru.
identity, which is closely related to their sense of territoriality and their worldview (Albo 2002, Haboud 2003, 2011).

Linguistic situations vary widely from country to country, but all share the condition of linguistic attenuation in one form or another. Most of the ancestral languages are oral and the majority of the speakers have neither had the possibility to use it in school, nor to read it or write it; this is mainly because formal education is usually offered in the dominant language. Even if national and international legal instruments demand that native languages be used in formal education and public domains, often their speakers believe their languages cannot be written or used in formal education and official instances.

At least 20% of the identified 640 indigenous peoples of Latin America do not use their native languages any longer, having completely shifted to Spanish or Portuguese. Many speakers of indigenous languages are multilingual, speaking their own language, the dominant language, and another ancestral language. For instance, the thirteen indigenous languages spoken in the Chaco, Argentina, are in permanent contact with other indigenous languages and with Spanish; and the Shuar people in Ecuador often tend to learn Quechua, Spanish, and English because of the transnational companies working in Amazonia. Languages may be named differently depending on their location, linguistic variety, tradition, and so on. For example, Epena/Embera/Sia Pedee are different names given to the same language in Venezuela, Colombia and Ecuador, respectively.

Legislation and Trends Toward Language Rights

Following the Spanish conquest, Spanish became the de facto official language throughout today’s Latin America, except for Brazil, where the dominant language became Portuguese. Today, the constitutions of all the Latin American countries recognize the indigenous languages spoken in their territories and stress their responsibility to support language maintenance and development, as well as respect towards diversity (see Table 2). During the last two decades, many State constitutions have been reformed with the goal of adapting to the new international norms and accommodating to local social, cultural, political and economic changes. In other words, policies are the result of awareness of diversity issues, negotiation with international bodies, local demands, and agreements with the minoritised peoples of their countries.
### TABLE 2. Legal status of Indigenous Languages in Latin America

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>INDIGENOUS LANGUAGES</th>
<th>LEGAL STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>15</td>
<td>The state will protect the linguistic identity of the minorities within their territories and will promote their identity. (Declaration of the rights of minority people 1990, Art.1).</td>
</tr>
<tr>
<td>Belize</td>
<td>4</td>
<td>Indigenous languages can be used in their territories</td>
</tr>
<tr>
<td>Bolivia</td>
<td>36</td>
<td>All indigenous languages and Spanish are official (Constitution 2009, Art.5.1).</td>
</tr>
<tr>
<td>Brazil</td>
<td>166/186</td>
<td>Indigenous languages can be used in formal education in their communities (Constitution 1988, Art.210.2)</td>
</tr>
<tr>
<td>Colombia</td>
<td>65</td>
<td>Indigenous languages are official in their territories (Constitution 1991, Art.10)</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>7</td>
<td>The state must safeguard local indigenous languages (Constitution 1949, Art.76).</td>
</tr>
<tr>
<td>Chile</td>
<td>6</td>
<td>The state supports the use and preservation of indigenous languages in their territories (Constitution 2003, Art.28).</td>
</tr>
<tr>
<td>Ecuador</td>
<td>13</td>
<td>All the indigenous languages are of official use in their territories. Nationwide, Spanish, Kichwa and Shuar are official languages for intercultural relations (Constitution 2008, Art.2).</td>
</tr>
<tr>
<td>El Salvador</td>
<td>1</td>
<td>Vernacular languages are part of the national cultural heritage. They will be preserved and respected (Constitution 2000, Art.62).</td>
</tr>
<tr>
<td>French Guiana</td>
<td>7</td>
<td>Indigenous languages have no official status.</td>
</tr>
<tr>
<td>Guatemala</td>
<td>24</td>
<td>Indigenous languages are recognized as part of the national heritage, and respected and promoted (Constitution 2002, Art.66, Art.143).</td>
</tr>
<tr>
<td>Guyana</td>
<td>9</td>
<td>Indigenous languages can be used within their communities.</td>
</tr>
<tr>
<td>Honduras</td>
<td>6</td>
<td>Indigenous languages can be used within their communities (UNHCR 2007).</td>
</tr>
<tr>
<td>Mexico</td>
<td>68</td>
<td>The state recognizes and guarantees the rights of indigenous communities to preserve and enrich their languages considered as national languages and part of the national, cultural and linguistic heritage (Constitution 1917, Art.2.A.VI and reforms, 2001; General Law for the Linguistic Rights of Indigenous Communities 2003, Art.4 &amp; 5).</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>6</td>
<td>Indigenous languages are of official use (Constitution 1987, Art.11).</td>
</tr>
<tr>
<td>Panama</td>
<td>8</td>
<td>Indigenous languages will be subject of study, preservation, and dissemination (Constitution 1994, Art.84).</td>
</tr>
<tr>
<td>Paraguay</td>
<td>20</td>
<td>Guaraní has official status. The other indigenous languages are part of the national cultural heritage (Constitution 1992, Art.140).</td>
</tr>
</tbody>
</table>

Although globalization is considered detrimental to the survival of indigenous languages, global trends towards human rights have also produced positive influences in the form of language policies and local demands for greater recognition of minority language rights; there is a clear trend in international law towards greater acknowledgement of the linguistic diversity of nation states (de Varennes 2012).

International documents such as the Universal Declaration of Human Rights (December 1948), the ILO Convention No.169 on Indigenous and Tribal Peoples (1989), and the International

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4 See this table’s bibliographic sources at www.oralidadmodernidad.com
Covenant on Civil and Political Rights adopted in 1966 and brought into force in 1976, have served as the basis for national reforms in most of the Latin American countries.

The United Nations has been one of the most powerful language-planning agents. For instance, the United Nations Declaration on the Rights of People Belonging to National or Ethnic, Religious or Linguistic Minorities (UNDRIP) (1992) requires the states to create favourable conditions to enable minoritised peoples to express themselves and to develop their culture, language, religion and traditions, except when specific practices are against national and international standards.

Regarding the linguistic rights of indigenous peoples, UNDRIP (Articles 13 and 14) supports language maintenance and development, taking into consideration its core function as the main means of communication and transmission of values, worldview, tradition, culture, and identity (see Grin and Skutnabb-Kangas, this volume). In 2010, the United Nations General Assembly approved a draft resolution (A/C.3/65/L.22/Rev.1), which calls on Member States and the international community to find solutions to the problems faced by indigenous peoples regarding their well being and general development. In 2012, the United Nations called for the Indigenous Peoples’ Forum to reflect on best practices for indigenous rights.

In the Americas, the Inter-American Declaration on the Rights of Indigenous Peoples contemplates the obligation states have to provide assistance for indigenous peoples to establish appropriate educational programs. In general, the continent has a consensus towards respecting and supporting diversity, minoritised languages, and indigenous organizations. Along with these trends in international law, it is crucial to highlight the role of local indigenous movements, which forcefully demand that their individual and collective rights be respected. In many Latin American countries these movements have taken national politics and democracy in the region to a new level (Becker 2008, Madrid 2005).

Worldwide, there are many organizations supporting endangered languages and indigenous peoples, such as UNESCO, UNICEF, the Foundation for Endangered Languages, Endangered Languages Fund, the Enduring Voices Project, the National Science Foundation, and the National Endowment for the Humanities. UNESCO's MOST Programme raises awareness about linguistic rights and has collected the most relevant provisions in international conventions, declarations and multilateral treaties that pertain to linguistic rights and research in multicultural societies.

The number of web sites, virtual dictionaries and translators of indigenous languages has increased enormously; however, most of the ancestral languages in Latin America are in various phases of endangerment and vulnerability, and the countries have failed to construct egalitarian societies for all. In such a context, implementing linguistic policies comes to be much more problematic than foreseen by politicians and language experts.
Section 2

This section gives detail on legislation for LHR, and its impact on language vitality in relation to four case studies.

Bolivia and Peru

In Bolivia and Peru, current political climates are favourable toward the ideals of LHR and language revitalization, at least in the letter of the law. The measures taken to implement the laws, and the effectiveness of such implementation, are part of an on-going process which will invite further research in the years to come.

The 2009 Constitution of the Plurinational State of Bolivia grants official status to 36 languages including Spanish, thirty-two of which belong variously to the Takana, Arawak, Zamuco, Pano, Tupi-Guaraní, Chapacura, and Mataco-Mataguaya language families located in the eastern lowlands. Many of these are in various stages of extreme endangerment with numbers of speakers in the hundreds or less (Crevels 2012). Guarani is an exception in terms of numerical strength, with more than forty thousand speakers. A remaining three indigenous languages are spoken in the western valleys and highlands: Quechua and Aymara, whose speakers number in the millions, and Chipaya with 1,368 speakers.

In the case of Peru, language rights legislation is based upon the 1993 Constitution whose Article 48 is less than wholehearted in its support of indigenous languages: ‘The official languages are Spanish and, in the zones where they predominate, also Quechua, Aymara, and the other aboriginal languages, according to the law.’ The 2003 language rights legislation arising from this (Law 28106) did not circumvent the conditionality placed on official status for indigenous languages contained in the phrase ‘in the zones where they predominate’. According to Peru’s 2007 census, the country has some four million speakers of indigenous languages, over three million of whom speak one of the Quechua varieties and some half a million, Aymara; with the exception of these, which are spoken in the Andean highlands, all are based in Amazonia and are classified into 15 language families, of which Takana, Arawak and Tupi-Guarani are shared with Bolivia, while Arawak, Tukano, Tupi-Guarani, and Witoto are shared with Colombia, where Quechua is also spoken.

In considering issues of language planning for indigenous languages, as mentioned in Section 1, it should be borne in mind that there is not necessarily a one-to-one relationship between

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5 Contribution of Rosaleen Howard
6 Molina and Albó 2006; Sichra 2009
language spoken and the sense of cultural identity held by speakers; indigenous self-identification may be retained even where language shift to Spanish has been undergone. In the case of Peru, while 76 ethnic groups are identified, just 68 indigenous languages are documented; in their analysis of Bolivia’s 2001 census, Molina and Albó (2006) note that while 66.4% of the population consider themselves to be ethnically indigenous, just 49% speak an Amerindian language. The reverse may also be the case: urban bilinguals who do not consider themselves ethnically indigenous may commonly speak Quechua or Aymara (Howard 2011).

Regarding legislative frameworks, Art. 5.II of Bolivia’s Constitution moves toward aligning non-indigenous language-speaking population with the principles of LHR, by decreeing that all government employees should be able to speak the indigenous language of the region where they work, in addition to Spanish. This stipulation has led to state-sponsored courses being set up to train Spanish-speaking personnel in, for example, Quechua, Aymara, Guarani, and Chiquitano as second languages. The scheme can be seen as a positive step towards improving communication across language barriers, addressing issues of language status, and eventually shifting discriminatory attitudes based on language difference.

Still regarding Bolivia, a number of laws have been passed as an upshot of constitutional reform, with immediate relevance for issues of LHR: (i) Law 045 ‘Law against Racism and all forms of Discrimination’, whose Art. 5 addresses discrimination on grounds of linguistic difference; (ii) Law 070 ‘Avelino Siñani-Elizardo Pérez Education Law’ (2010), which provides for ‘intercultural and plurilingual education’; and (iii) Law 269 ‘General Law on Language Rights and Language Policies’ (2012).

Law 269 makes a distinction between individual and collective linguistic rights (Chapter II, Articles 5 and 6 respectively). At the individual level, for example, any person has the right to ‘use his/her mother tongue in oral and written form in his/her community and in other sociocultural settings’ (Art. 5, para. 2); ‘be attended to in his/her mother tongue in oral and written form in all public and private offices (Art. 5, para. 3); and ‘have the means and the resources to learn other languages, especially the one most commonly used in his/her region and the country’ (Article 5, para. 7). Among the collective rights mentioned, every ‘linguistic community’ of the Plurinational State is declared to have the right to ‘education in the mother tongue’ (Art. 6, para. 1); ‘equitable incorporation of the languages and knowledge systems of the originary culture into communication and information media’ (Art. 6, para. 4); ‘revive and use the toponymy of local, regional and national places in the originary languages’ (Art. 6, para. 6); and ‘revive and use musical, academic,

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7 These figures are modified according to the 2012 census (Albó 2012).
8 Notice the term ‘aboriginal languages has been replaced by ‘originary’ languages.
medical, and spiritual terminology in the [originary] languages’ (Art. 6, para. 7)’. There is a mutually reinforcing relationship between Education Law 070 and Law 269 on language rights. Law 070, Art. 88 provides for the creation of a Plurinational Institute for the Study of Languages and Cultures (IPELC) to facilitate the objectives of Law 269.

Peru has been through a drawn out process in order to see Art. 48 of the 1993 Constitution translated into language rights legislation that is satisfactory to those individuals and groups who have been lobbying for it for nearly 20 years. Law 28106 ‘Law for the recognition, preservation, promotion and diffusion of the aboriginal languages’, passed in 2003 under President Alejandro Toledo, had shortcomings as referred to above. In 2007, Quechua speaking congresswomen Maria Sumire and Hilaria Supa brought a draft law that included granting unconditional official status to all indigenous languages, before the Congress. The bill was knocked back amid controversy centered on the objections of influential Congresswoman Martha Hildebrandt, a member of the Peruvian Academy of Language. Video recorded interviews with Hildebrandt in which she publicly belittled her indigenous colleagues, were seen on Peruvian TV and beamed worldwide via YouTube, causing a public outcry and much critical reaction among academic commentators.9

Based on Sumire and Supa’s draft bill, Law 29735 was passed after the 2011 election of Ollanta Humala. This law regulates the ‘use, preservation, development, recovery, promotion and diffusion of the originary languages of Peru’, and for the first time refers to ‘individual and collective rights’ in linguistic matters (Art. 1.1); it also details how the notion of ‘official language’ should be applied in practice (Art. 10).

Another development under Humala’s presidency has been the passing of Law 29785 (Law of the Right to Prior Consultation), related to issues surrounding extraction of natural resources on indigenous territory by the State and multinational companies. The terms of Law 29785 puts some of the principles of Language Law 29735 to the test, bringing about innovations in the field of language rights in Peru. It sets out the aims of prior consultation as follows: ‘to reach an agreement or consent between the State and the indigenous or originary peoples […] by means of an intercultural dialogue which guarantees their inclusion in the decision making processes of the State and the adoption of measures which respect their collective rights’ (Law 29785, Art. 3). The practical contingencies of the ‘intercultural dialogue’ are provided for in Art. 16 ‘Language’, and the state is sponsoring the training of state interpreters in Spanish and the indigenous languages, to facilitate such dialogue (Andrade Ciudad 2012).

9 Hildebrandt’s interview can be viewed at http://www.youtube.com/watch?v=8ahn-tidVwU; for critical commentary see Ballón Aguirre (2009) and Howard (2011).
Mexico stands out as one of the most culturally and linguistically diverse countries in the Americas. Despite historical processes of genocide and minorisation shared with other Latin American countries, indigenous people still represent a significant part of the population of Mexico. According to the last national census conducted in 2010 by the National Institute of Statistics and Geography (INEGI) there were 6,695,228 speakers of indigenous languages, accounting for 6.7% of a total population of 112,336,558. The same census shows that the two most widespread Mexican indigenous languages are Nahuatl and Yucatec Maya, with 1,544,968 and 786,113 speakers respectively. Other relatively middle-sized languages, such as Mixtec, Tzeltal, Zapotec, Tzotzil, Otomí, Totonac, Mazatec and Chol, have over 200,000 speakers (Censo de Población y Vivienda 2010). Despite these substantial figures, indigenous language loss and shift to Spanish is widespread. Thus, while an overall increase in numbers of absolute speakers of many indigenous languages has taken place, due to high rates of population growth in general (Feliciano 2010), a longitudinal look at INEGI figures in the last few decades regarding indigenous languages clearly shows signs of language endangerment: shrinking numbers of monolingual speakers, decreasing percentages of speakers in relative terms, and growing rates of transitional bilingualism to Spanish. Against this backdrop, it is also important to note that Mexico became the largest Spanish-speaking country in the world during the twentieth century.

As for the total number of languages of the country (immigrant languages excluded), differing figures, usually ranging from 60 to 100 languages, have been suggested (Terborg, García Landa & Moore 2007; Pellicer, Cifuentes & Herrera 2006). Due to the enormous diversity of the country, both in terms of sheer number of languages and varied linguistic typology, and fuzzy borders between many linguistic communities, consensus regarding the number of languages has not been reached yet in Mexico. After a detailed analysis of the national censuses from 1970 to 2000, Cifuentes and Moctezuma (2006) conclude that “due to the impossible task of establishing precise limits between languages and dialects, official surveys are known for offering one single option or one single name for entities that are quite complex”. A telling example is the use in the 2010 census of the plural term ‘languages’ to group the varieties of Mixtec and Zapotec, while Nahuatl, albeit rather diversified as well, is considered a single language.

Whereas all the figures mentioned above are helpful to give a general overview of the linguistic diversity in Mexico, the concepts and methodology used in national censuses already mentioned in Section 1, need to be problematized. The issues involved have to do not only with the well-known arguable reliability of the data obtained by self-reporting, particularly where

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10 Contribution of Josep Cru
11 The above figures count speakers of 5 years of age and older.
stigmatised languages are concerned, but with a more crucial sociolinguistic question of who counts as a speaker of a language (Hill and Hill 1986). Also, it is worth pointing out that censuses are tools controlled by official institutions with their own biases (Fishman 1991).

The issue of determining the number of languages, and more importantly the number of speakers of each language, is not a minor one, since speaking an indigenous language has historically served governmental institutions to ascribe ethnic identity in Mexico. Official policies geared to indigenous peoples are usually based on those figures (Hidalgo 2006, Cifuentes & Moctezuma 2006). The need to reach a final classification of the enormous language diversity of Mexico is also explicitly indicated in article 20 of the General Law on the Linguistic Rights of Indigenous Peoples, drafted in 2003. It is not a coincidence, therefore, that one of the most urgent tasks of the National Institute of Indigenous Languages, established in 2006, was the production of a catalogue of all Mexican indigenous languages (INALI 2008).

As noted previously, language legislation in Latin America has significantly evolved in the last two decades. Several national constitutions have been changed to include cultural diversity and, particularly, linguistic diversity as an important component of the nation-state. In Mexico, while language policies involving indigenous population date back to the 1940s, the national constitution included a reference to indigenous peoples only in 1992 (PINALI 2009). Thanks to indigenous struggles and negotiations with the nation-state, the Mexican Constitution was amended in 2001 to explicitly address the multicultural composition of the country.

The inclusion of such an article in the federal constitution, which acknowledges the contribution of indigenous peoples to the making of the nation, stems from recent sociopolitical indigenous demands in Mexico, especially in the aftermath of the Zapatista uprising in 1994. Indeed, as stated in PINALI (2009), the San Andrés Accords of 1996 were the base for the constitutional reform of 2001. This recognition is particularly significant, since Mexico, in spite of its division into three administrative levels (federation, states, and municipalities), is an “all-embracing and vertical case of nation-state building” (Hamel 2008).

Apart from the constitutional amendment of 2001, the General Law on Linguistic Rights of Indigenous Peoples (LGDLPI) was approved in 2003, becoming the first official legislative text that explicitly addressed the promotion of indigenous languages in Mexico. This law acknowledges the individual and collective linguistic rights of indigenous peoples, points out the contribution of these languages to the Mexican cultural heritage, and grants the status of national languages to Spanish and to all indigenous languages. Whereas the LGDLPI is an important symbolic achievement, it contains several flaws that need to be highlighted in order to gauge its real scope. The first and most obvious one is that it has been exclusively devised with the indigenous population in mind, setting

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12 Constitución Política de los Estados Unidos Mexicanos (date).
them apart from mainstream society. The law focuses on the “compensatory nature of minority rights” (Pellicer, Cifuentes & Herrera 2006), does not tackle linguistic diversity from a holistic point of view, and seems to follow the historically paternalist approach of the Mexican state towards indigenous peoples. The dominant rhetoric in this law is a continuation of a core ideology in the process of nation-building in Mexico, namely, the value of indigenous languages as an essential part of the cultural heritage of the nation against the background of persistent minorisation (Bonfil Batalla 1996).

It is also worth noting this law does not give languages ‘official status’. Article 4 states that Spanish and indigenous languages are ‘national’ languages and should consequently be considered on an equal footing. However, no language is deemed official de jure in Mexico, neither in this law nor in the Mexican Constitution. Spanish remains the de facto official language and stands, in practice, at the top of a sociolinguistic hierarchy. In their analysis of the LGDLPI, Pons & Johnson (2005) highlight its symbolic character and limited juridical effects. These authors maintain that the essential shortcomings of the law are its vague discursive nature, the subsequent lack of enforcement, and its subordinate position within the Mexican legal system. The wording used, which includes verbs such as ‘disseminate’, ‘supervise’, ‘support’, and ‘encourage’, shows its lack of binding force. In sum, the LGDLPI must be mostly regarded as a declarative instrument with potential influence on a symbolic level, yet it is doubtful whether it will have any real positive effects on most indigenous speakers’ attitudes and, eventually, on halting the current processes of language shift to Spanish in Mexico.

Furthermore, it must be underscored that the promotion and use of indigenous languages in the domains covered by the LGDLPI (media, justice, and education) is fraught with problems. As Pellicer, Cifuentes & Herrera (2006) observe, “the Law’s limited scope derives from its subordinate position to the Reform in Indian Affairs, the normativity and structure of the Ministry of Public Education, and the Federal Radio and Television Legislations”. National mass media in Mexico are in the hands of an oligarchic private sector that follows the rules of the free market and maximum benefit, thus favouring Spanish as the dominant language. In the case of the radio, grassroots control over it is exceptional and the current network of up to 20 radio stations that use indigenous languages, is supported by the National Commission for the Development of Indigenous Peoples (CDI). As for the judicial arena, one of the main critiques of the LGDLPI centres on the practical difficulties encountered when trying to translate into indigenous languages a Western legal framework that is totally dependent on the written word.

The fact that indigenous languages are mostly used in their oral form clashes with official language policies, which focus on the development of literacy. The language ideology of official institutions, such as INALI, is oftentimes based on the idea that if indigenous languages are to be
fully viable in the abovementioned domains, they need to be written down and must go through a whole process of standardisation (PINALI 2009). Arguably, an emphasis on literacy and on domains of language use which have precisely been key to carrying out hegemonic policies of assimilation, particularly the formal education system, may not be the most fruitful strategy to implement successful policies of language revitalization.

The case of Mexico shows the limited effect of language revitalisation policies based on top-down initiatives such as language legislation, especially when the laws have no binding force and stand in a subordinate position within the larger juridical framework of the nation-state.

Nicaragua

Nicaragua’s Caribbean Coast region is a multi-ethnic, plurilingual society, with a marked ethnolinguistic hierarchy and complex intercultural practices. Legally incorporated into the Nicaraguan state only in 1894, it still resists assimilation, as was demonstrated in 1981 when an uprising against the Sandinista revolution led to all-out war. Peace negotiations included the development of highly progressive legislation to revitalize the region’s languages and guarantee their territorial base. So far, language rights have been the most consistently implemented.

Three indigenous groups inhabit the region: the Miskitu (125,869), the Sumu-Mayangna (19,370), of which the Ulwa are a sub-group (600), and the Rama (1,290). Two Afro-Caribbean groups arrived later: the Creoles (27,197), descendants of slaves imported in the eighteenth century and other migrants from the Caribbean; and the Garífuna (3,440), who came as migrant loggers in the nineteenth century. In addition, since the 1960s, state-encouraged peasant migration has continually increased the mestizo presence. Mestizos now constitute 76% of the regional population.

Miskitu, Sumu-Mayangna and Ulwa belong to the Misumalpan family, Miskitu forming a different branch from Sumu-Mayangna and Ulwa. Sumu-Mayangna has three variants: Panamahka and Tuahka, spoken in Nicaragua, and Tahuaka, spoken in Honduras. These languages have long histories of grammatical merging and lexical borrowing (Benedicto and Hale 2000). Rama is a Chibchan language particular to Nicaragua. Garífuna, an Arawak language, still flourishes in Belize and Honduras. Nicaraguan Kriol, related to those of Belize, Jamaica, and San Andrés, Colombia, has absorbed considerable Spanish lexis and some grammatical structures.

Two interacting forces have affected the region’s sociolinguistics. For centuries before contact, indigenous groups developed complex intercultural communicative practices; today they

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\[13\] Contribution of Jane Freeland

still interact within contiguous, overlapping, and often shared territories. Post-contact, relationships with their British colonizers, missionaries, US economic enclaves and the Nicaraguan state advantaged some groups over others, producing a shifting ethnic power hierarchy with corresponding inequalities of symbolic power.

When the Sandinistas took power (1979), Spanish had displaced English as the dominant language and regional *lingua franca*. Competence in Standard Caribbean English (SCE), proscribed from all but a few private schools since 1894, had drastically declined, though Kriol was valued as a passport to jobs in US firms dominant in the regional economy. Moravian evangelization in English had left the Rama speaking Rama Kriol as their L1, and the Garifuna had assimilated to Kriol to avoid discrimination.

Of the indigenous languages, Miskitu was strongest. The former *lingua franca* of the Miskitu kingdom, through which Britain had ruled indirectly until the 1860s, the Moravians chose it to evangelize between both Miskitu and Sumu-Mayangna. This choice left Sumu-Mayangna multiply subordinated, to Spanish, English, and especially Miskitu, the only written indigenous language until the 1980s. In these circumstances, language shift was common: by Creoles towards Spanish, Miskitu towards Kriol, and Sumu-Mayangna towards Miskitu. Most Ulwa and Tuahka now spoke Miskitu, though both languages still survived. Although communities proclaimed symbolical links between language and ethnic identity, many communities had evolved multifaceted identities, and linguistic boundaries were variably perceived.

In 1987, a new Constitution redefined Nicaragua as a ‘multiethnic nation’, and accorded autonomous status to the Caribbean Coast, and a Law of Autonomy established a North and a South Atlantic Autonomous Region, each governed by an Autonomous Regional Council and Government empowered in principle to administer health, education, and natural resources. Transitional primary bilingual education programmes pairing Miskitu, Sumu-Mayangna, and ‘English’ with Spanish had already been initiated in 1985. The Autonomy Law and a 1993 Law on Languages added the following provisions: official status within the region for all regional languages, whether still in use or not; state support for all groups to promote and develop their languages; ‘mother tongue’ education, taking account of each group’s cultural heritage and traditions, in primary, basic adult education, and teacher training; and teaching of community languages as subjects in secondary education.

Given Nicaragua’s economic circumstances, the bilingual-intercultural primary school programmes (PEBI) became the principal site for language revitalization efforts. To promote equality, they all followed the same pattern. Paradoxically, this exacerbated inequalities that hampered revitalization. For instance, for all ethnic groups ‘mother tongue’ denoted their original
ethnic language. In mono-ethnic communities, where this was still the language of daily communication, the PEBI fulfilled the Autonomy Law’s dual promise of L1-based education and revitalization. In the language-shifted Rama, Garifuna and Tuahka communities, however, it met only the first of these provisions. So the Rama and Garifuna received their PEBI in ‘English’, through teaching materials largely featuring Creole culture, which therefore tended to reinforce language shift (Freeland forthcoming 2013).

Solutions to these problems were first developed by expatriate linguists attracted by Nicaragua’s progressive legislation. Coordinated by the independent Centre for Research and Development of the Atlantic Coast (CIDCA) and from 1995 by the University of the Autonomous Regions of the Caribbean Coast (URACCAN), languages were documented and developed revitalization projects helped adjust community ambitions to the state of their languages (Rivas Gómez 2004; Grinevald (Craig) (2003). Funded through the linguists, these projects initially ran parallel to or were informally associated with the PEBI. For, despite the Autonomy Law, Sandinista and subsequent governments baulked at devolving educational control to the region. Only under constant pressure from Coast leaders, and as experience demonstrated the advantages of more bottom-up approaches to the Coast’s linguistic inequalities, was an Autonomous Regional Education System (SEAR) hammered out with reluctant Education Ministries. The SEAR finally became an article of the 2006 National Education Law passed by the new Sandinista government, and now has the status of sub-system within the national education system. Led by Secretaries of Education from the Regional Councils, it operates at all educational levels, and finally offers all groups the kind of programme differentiation previously available only to the least-used languages (McLean Herrera 2008, Koskinnen 2010). For the Garifuna this has facilitated innovative revitalization projects in collaboration with Belizean and Honduran Garifuna communities: exchange visits, language nests, and recently a primary school programme for Garifuna as a second language (Koskinnen, personal communication).

For the Sumu-Mayangna and the Creoles, attempting revitalization through the formal education system has generated almost as many difficulties as it resolved. The Sumu-Mayangna’s urgent desire for the literacy they had been denied conflicted with the role played by variation in indexing their sub-group identities. Despite a promising early proposal for bi-dialectal texts, the majority Panamahka variant eventually prevailed, becoming a de facto standard. Tuahka activists interpreted this as an attempt to ‘disappear their mother tongue’ (Frank Gómez 2008). Rejecting the model of teaching through Miskitu and developing Tuahka second language programmes in parallel, they demanded a separate Tuahka programme. Chaotically, therefore, Tuahka children currently receive ‘mother tongue’ education in unfamiliar Panamahka.
Within the SEAR, however, the early bi-dialectal approach is now being re-examined. An orthography common to both variants, a bi-dialectal kindergarten First Book and a bi-dialectal children’s dictionary have been developed by Sumu-Mayangna linguists trained by another expatriate linguist (Benedicto 2000). These are fostering understanding of both variants, and eventually might even encourage their gradual convergence.

Since the Creoles’ ‘mother tongue’ is even more variable, none of the above approaches was appropriate. Creoles call it ‘English’, conflating Kriol and SCE. In oral communication these are not separate variants indexing sub-group identities but a continuum along which speakers move freely according to social context. Caribbean educational tradition, however, splits this continuum into two diglossically related parts, cultivating SCE and condemning Kriol as ‘bad English’. The ‘English’ PEBI initially followed suit, with disastrous results. The Sandinista Ministry of Culture had encouraged spaces for maintaining Kriol oral culture outside the school system, but under subsequent governments this support ceased, and Kriol came to depend entirely on this hostile context. Reluctantly, Creoles concluded that the only validation must be through writing; yet fixing a ‘correct’ form risked destroying the spontaneity and freedom essential to Kriol vitality (Freeland 2004).

As with Sumu-Mayangna, solutions are being explored that reject divisive standardization in favour of ‘normalization’, which positively encourages variation (Koskinnen 2010). Between 2001 and 2004, with support from the Belizean Creole Council, URACCAN and the Finnish government, a Nicaraguan Kriol orthography and teaching materials based in Creole culture were developed. Gradually, community resistance to Kriol in class is melting as parents perceive how it helps improve SCE competence, and the ‘English’ PEBI has begun to progress more steadily towards a trilingual system supporting both Kriol and SCE whilst ensuring good Spanish competence.

At the simplest level, Nicaragua’s experience demonstrates the paradox that when languages in contact are differently positioned, equal chances for revitalization require asymmetric, carefully differentiated treatments (Grin 1994). This is difficult if revitalization efforts are confined to the formal education system. In Nicaragua, this choice, considered necessary to guarantee political and economic support, resulted in top-down programmes which set uniform revitalization goals and exacerbated inequalities. The emphasis on written language conflicted with oral practices that valued variation and resisted standardization, creating intra-group conflicts that hampered revitalization. Here devolution of curriculum development through the SEAR is beginning to demonstrate the possibilities of differentiated approaches within a coordinated system. Though teaching methods are still very westernized, there is now scope for change. Finally, Nicaragua’s experience illustrates the distance between progressive legislation and successful revitalization, especially in multilingual areas.
Towards a conclusion

This chapter has presented a general overview of linguistic policies and rights in Latin America and the Caribbean with special attention to four study cases. It is evident that most Latin American nations have modified their legal charters to state respect for diversity; however, there is still a profound distance between progressive legislation and successful revitalization, mainly because language revitalisation policies and programmes are often based on top-down initiatives and implementation follows foreign practices. It is urgent then that policies be generated from the speakers, their actual needs and specific situations. A growing participation of indigenous peoples in grassroots movements is a necessary strategy to complement top-down language planning. This approach might prove useful in contexts where vertical language policies tend to pay lip service to indigenous demands. Such considerations show us that working with diversity is a complex task which must involve public and private sectors as well as academics, but most of all, the speakers need to be heard and respected in order to become active agents of change.

Bibliographic References


