

Indigenous Languages: A Fundamental Right to Defend

Perspectives of a Mohawk activist, Ellen Gabriel



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By Ellen Gabriel
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Ellen began her public activism during the 1990 Siege of Kanehsatà:ke (1990 "Oka" Crisis) as the spokesperson for her community. Since 1990, Ellen has worked consistently and diligently as a human rights and environmental advocate for rights of Indigenous peoples. In addition to being President of the Quebec Native Women's Association from 2004 – 2010, she has also presented nationally and internationally and participated in the United Nations Permanent Forum on Indigenous Issues. She has won multiple awards including the Indigenous Women's Initiative "Jigonsaseh Women of Peace Award" for her advocacy work.

The marking of 2019 as the International Year of Indigenous Languages is not only welcome but also significant. The designation finally recognizes Indigenous languages as a fundamental human right.

Indigenous languages are considered by UNESCO to be “a vehicle of intangible cultural heritage.”¹ The *UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage* covers various aspects of culture, including oral traditions, artistic forms of expression, etc. Still, language is a quite distinct element in the spectrum of a people’s culture. One can practice parts of a culture, like song, or arts and crafts, but be unable to speak one’s ancestral language. That is why a specific focus on Indigenous-language fluency, via immersion, is so important, and must be maintained.

In order to implement solutions to the precarious status of Indigenous languages, it is important to understand why these precious ancient languages are in such an endangered state today. This requires a perspective and approach that are informed by an understanding and recognition of the trauma suffered by Indigenous peoples.

The Indian Residential School system is a prime example of acts of genocide against Indigenous peoples, with its use of cultural shaming as a psychological weapon to prevent Indigenous children from speaking their mother tongue. In the UN’s original draft of the *Convention on the Prevention and Punishment of the Crime of Genocide*, “cultural genocide” was included in the definition of the crime of genocide. However, colonial states like Canada and the United States were opposed to this definition with the result that it was removed from the draft. Expert linguist Tove Skutnabb-Kangas states that the definition of genocide in Article III of the Convention should have included the following: “any deliberate attempt or act committed with the intent to destroy the language, religion, or culture of an identifiable group of peoples.”²

Although cultural genocide was removed from the definition of genocide,³ history nevertheless demonstrates the depths of depravity by colonizers in their attempts to eliminate any semblance of Indigenous identity.

Consequently, the impacts of cultural shaming are multi-generational and extend to the children of Residential School survivors, as well as to community life as a whole. This multi-generational trauma has thus contributed to the marginalization of Indigenous languages today.

Today we see these impacts in apathetic attitudes towards Indigenous-language revitalization, including the erroneous attitudes of Indigenous parents who believe that learning English and French are a priority for children and youth to succeed. But if statistics are correct on all the colonial-rooted problems

¹ *Convention on the Safeguarding of the Intangible Heritage*, Paris, 17 October 2003, Article 2.1. Definition: “means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.”

² Tove Skutnabb-Kangas, “Language Rights and Bilingual Education,” in Jim Cummins and Nancy Hornberger, *Bilingual Education, Encyclopedia of Language and Education*, Volume 5, 2nd edition. New York: Springer, 117-131.

³ *Convention on the Prevention and Punishment of the Crime of Genocide*, UN General Assembly, Resolution 260 A (III), 9 December 1948.

of Indigenous peoples (such as high dropout and suicide rates), we know that this is not the case and that mother-languages play a critically important role in personal and community development.

Decades of neglect by states to support the revitalization of Indigenous languages have contributed to the severity of the decline and loss of Indigenous languages, many of which are listed as severely or critically endangered on *UNESCO's Atlas of the World's Languages in Danger*⁴

Addressing centuries of colonial assimilation and institutionalized racism is an overwhelming task, especially since these practices still continue today. In spite of decades of efforts to communicate the importance of our languages to government, solutions still remain contingent upon the state's goodwill. Consequently, it is not enough to have rights on paper, there must also be a comprehensive understanding of the impacts of colonization and assimilation. Using a trauma-informed lens⁵ will allow us to make progress, enhance human rights and provide clarity on the causes and effects of colonial assimilation — in essence why we are in an emergency situation today.

A trauma-informed lens will help minimize the current gap in human rights advocacy and will also contribute to establishing adequate measures of redress and restitution. It will reveal hidden truths and help bring the voices of the oppressed to the fore. By examining centuries of systemic discrimination and land dispossession, it will provide us with an understanding of where we have come from, how we have arrived where we are today, and where we now want to go.

When colonial states like Canada were formed, the aim was to have dominion over the lands and its peoples. Consequently, in the settlers' efforts to colonize Indigenous peoples, concerted efforts were made by Church and State to rid society of the "Indian problem." Since economic prosperity was essential for the empire-building of European colonies in the Americas, our languages have been attacked for centuries. The results: the normalization of oppression and dysfunction through racist laws such as the *Indian Act*, the cruelty of which decision-makers remain oblivious to. Today we see this obliviousness enhanced in the form of national laws such as Canada's *Official Languages Act*, which recognizes French and English as the dominant languages, thereby justifying the oppression of Indigenous languages.

Indigenous-languages experts know that if we are to reverse the trend of language loss, then the goal is to create more fluent speakers, and support immersion programs. Concretely, this means that the first-language speakers are the Indigenous-language experts, and must be at the forefront of solutions. It is evident that in order for a language to survive, the youth and children must be speaking it, as they are the future.

Article 29 (c) of the *Convention on the Rights of the Child*⁶ states:

⁴ <http://www.unesco.org/languages-atlas/index.php>

⁵ Trauma-informed practice means integrating an understanding of trauma into all levels of care, system engagement, workforce development, agency policy and interagency work.

⁶ *Convention on the Rights of the Child*, General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990, in accordance with Article 49.

“[States parties agree that the education of the child shall be directed to...] The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;”

The Convention on the Rights of the Child does not take into consideration the impact of oppression, i.e. the effects of colonization, assimilation and genocide, on the identity, language and culture of an Indigenous child. Multi-generational impacts from colonization have changed the minds of Indigenous communities struggling to survive in a globalized world.

Indigenous peoples are not ethnic minorities; they are peoples with the right to self-determination, and who have suffered from historical injustices. Restoring Indigenous institutions which are constantly under attack by colonization requires both human and financial resources to support these most precious assets. Treating us as ethnic minorities and perpetuating colonial brutality and oppression minimizes the urgency and does not reflect the need to revitalize Indigenous languages.

In order to have their rights fully implemented, Indigenous children need Elders, fluent language teachers and apprenticeship programs to revitalize and maintain Indigenous languages. This requires financial support to recruit new speakers and to pay/fund Indigenous peoples to attend language classes every day so that they may focus on becoming fluent language speakers and teachers.

The UN Permanent Forum on Indigenous Issues (UNPFII) hosted an expert meeting in New York from January 19-21, 2016. The resulting report⁷ reflected the concerns of Indigenous-language experts that nations that have contributed to the destruction of our languages must support revitalization and maintenance efforts. The report from the Fifteenth Session of the UNPFII, which followed in May 2016, highlighted the “growing crisis” in the loss of Indigenous languages and described this loss as an urgent priority⁸. Contemporary Indigenous realities mean that our lives are very different from our ancestors: bills must be paid, groceries bought, and although people still hunt and fish, it is not enough to sustain us in western society.

⁷ United Nations Permanent Forum on Indigenous Issues, *Permanent Forum on Indigenous Issues: Report on the fifteenth session*, E/2016/43-E/C.19/2016/11, 9-20 May 2016, available from

<https://www.un.org/development/desa/indigenouspeoples/news/2016/01/unpfii-fifteenth-session-9-20-may-2016/>. The report recommended measures needed to protect and promote indigenous languages, including:

- Guaranteeing the right to mother-tongue education for indigenous children.
- Allocating the funding and resources needed to preserve and develop indigenous languages, and particularly for education.
- Translating laws and key political texts into indigenous languages so that indigenous peoples may better participate in the political and legal fields.
- Establishing language-immersion programmes for both indigenous children and adults.
- Raising the prestige of indigenous languages by promoting the use of indigenous languages in public administration and academic institutions.
- Using indigenous languages so that they are kept alive and passed down through the generations by indigenous peoples themselves.

⁸ *Ibid.*, article 6.

With each passing year we lose Elders who carry traditional knowledge; we lose first-language speakers. We cannot afford to waste any more time due to political posturing.

While statistics help government create policies and programs, they can never convey the level of urgency felt in communities resisting assimilation. They cannot paint a portrait of the grief of Elders as they witness the slow obliteration of our ancestral languages through colonial assimilation.

UNESCO has estimated that more than half of the world's 6,000 to 7,000 languages spoken today will become extinct by 2100. A vast majority of these languages under threat are Indigenous languages. Statistics can only describe the loss abstractly; the real loss is felt by Indigenous peoples themselves.

Some 40 years ago, at least amongst the Kanien'kehá:ka, the ancestral language was spoken in the home, with little or no access to it in colonial schools. Today, the opposite is happening: despite the inclusion of an Indigenous-language curriculum in the schools – more often as a third language – this does not lead to creating young fluent speakers, especially if the language is not being spoken at home.

The challenge then is how to stop assimilation. How can states who have caused language loss help improve the chances for Indigenous peoples to reclaim and sustain their languages?

Colonization and assimilation continue in Canada, and the changes needed for decolonization cannot happen fast enough.

While international norms of human rights acknowledge the historical injustices due to colonization and land dispossession, as noted especially in the preamble (paragraph 6) to the *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP), the important keys to progress are the truth-telling of history and the repudiation of legal fallacies⁹ upon which colonizers have based their claims to sovereignty. These doctrines of superiority were not only racist, but were meant to dehumanize Indigenous peoples and destroy their essence through oppressive genocidal acts.

The gains in international human rights norms are crucial in helping prevent further language loss, with the most notable of these being UNDRIP. What is misunderstood is that the Declaration is more than aspirational insofar as it fully acknowledges many international human rights instruments. These include the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Elimination of All Forms of Discrimination against Women* and the *International Convention on the Elimination of All Forms of Racial Discrimination*. However, UNDRIP does not create new rights but rather elaborates on existing human rights of Indigenous peoples.

According to the United Nations *Universal Declaration on Human Rights Charter* “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” Without a clear understanding of human rights, arbitrary interpretation by states may follow, and expose vulnerable peoples to more encroachment of

⁹ Doctrine of Discovery, *Terra Nullius*.

their rights. Having rights on paper is only the beginning; the challenge has always been how these rights are implemented.

In answer to the question “What are human rights?” the Office of the UN High Commissioner for Human Rights states that all human rights are universal, indivisible, interrelated and interdependent; the denial of one right affects another. Thus the right to self-determination has many implications in the enjoyment of Indigenous peoples’ human rights.

Indigenous peoples’ right to their languages is an inherent right, something intangible that lives in the hearts and minds of the peoples who speak them. The language I speak is Kanien’kéha¹⁰ and consists of 80% verbs, which means that not only is it descriptive, it is action-oriented as well. As our Elders say, our language is alive, contains our cosmology, customs and moral values and strengthens relationships; it is full of traditional knowledge if you understand the roots of the words you are using.

It is curious that, during the launch events of the International Year of Indigenous Languages that took place at the UN in January 2019, the frontline workers on language-revitalization were the audience, not the speakers. Language is a precious resource for present and future generations: as with other topics like climate change or economics, it is the experts who lead, not the bureaucrats.

A trauma-informed lens complements the rationale of the *UN Charter*, and human rights norms like the *Universal Declaration of Human Rights*, which was created in post-WWII 1948,¹¹ when the world was reeling from the scourges of war.

*The Convention for the Safeguarding of the Intangible Cultural Heritage*¹² states (article 11 on the Roles of the States Parties) that:

“Each State Party shall:

(a) take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory;

(b) among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations. ”

The *Convention*¹³ does not encompass the recognition of Indigenous peoples as “peoples,” but instead reduces Indigenous peoples to the level of an ethnic minority within a dominant state. Thus it remains contingent upon states to protect intangible cultural heritage. The Convention would therefore be

¹⁰ Pronounce phonetically “Ga-nya-ge-ha-ka”, Meaning the language of the Kanien’kehá:ka peoples (People of the Flint), this ancient language received its standardization in the 1990s and uses only 11 letters of the alphabet.

¹¹ 10 December, 1948 ([General Assembly resolution 217 A](http://www.un.org/en/universal-declaration-human-rights/)) September to 17 October 2003, at its 32nd session, <http://www.un.org/en/universal-declaration-human-rights/>.

¹² September to 17 October 2003, at its 32nd session, UN Paris, 17 October 2003.

¹³ *Ibid.*

strengthened if UNDRIP were added to its second preambular paragraph which recognizes existing human rights instruments.¹⁴

Kanien'kéha Elders have estimated that there are over 400 words to describe the state of mind of individuals and society. Using a trauma-informed lens shines light on the impacts of genocidal acts like the Indian Residential Schools that punished Indigenous children for speaking their languages.

Reconciliation demands repudiation of centuries of oppression and attacks against Indigenous peoples' fundamental identity and the immense losses due to colonization and its assimilation policies. Restitution means reclaiming our languages, the very essences of our identity, including our spirituality, traditional governance, medicines, health practices, well-being and even our sexuality.

It is the duty of UN member states to uphold the highest standards of human rights and to incorporate international human rights norms into their domestic legislation. However, this not only requires a change in the mindset of the colonizer, but also financial support, which is where many challenges in upholding the highest standards lie.

Indigenous peoples are still grieving a wide range of losses, including the loss of our ancestors from genocide; land dispossession; loss of children in the Indian Residential School system; and the ensuing traumatic effects of all these losses.

As one Elder stated: "It took over a hundred years for our languages to be brought to this point of extinction, it may take another hundred years to bring them back." As we mourn all our losses today, it is thanks to the stories of survivors and traditional-knowledge holders that there is still a chance to revitalize and maintain our precious ancestral languages. This important link to our ancestors is key in enabling present and future generations to understand climate change, a result of the Anthropocene age of human impact on climate and the environment.

Our languages teach us how to enrich our relationship with the land; they contain a historical account of our creation stories, and legends that give us our moral compass. Without our languages and our lands, without our stories, we are empty, and have become assimilated.

As UNESCO has stated, Indigenous languages can help us survive climate change, and enrich a society by embedding it with traditional knowledge. States must therefore provide the financial support that is

¹⁴ Adding a reference to the UNDRIP to the second preambular paragraph would be coherent within Article 41 of the UNDRIP: "The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established."

It is also coherent with UNESCO's recently approved [Policy on Engaging with Indigenous Peoples](#): "The UNESCO policy on engaging with indigenous peoples supports the efforts of the Secretariat to implement the UNDRIP across all relevant programme areas..." (para. 4).

concomitant with the damage inflicted upon Indigenous languages. Then they must stand aside¹⁵ and allow Indigenous Elders and first-language speakers to lead, and teach our languages, science, medicine, spirituality, cosmology and identity to our community members, and in so doing, give our communities the opportunity to recover from centuries of attacks upon our well-being and family units.

This is about self-determination. We can no longer tolerate marginalization. Indigenous languages are so much more than a form of expression; they are an important part of who we are. The hope for this International Year of Indigenous Languages is that global society will become enlightened and help Indigenous peoples in our efforts to bring back our languages to our daily lives. It is time that this becomes more than a priority, but rather a right that present and future generations can enjoy.

Skén:nen – In peace

Katsi'tsakwas Ellen Gabriel

Wakenién:ton (Turtle Clan)

¹⁵ Committee on Economic, Social and Cultural Rights, 43rd session 2–20 November 2009 General comment No. 21, Right of everyone to take part in cultural life (art. 15, para. 1 (a), of the *International Covenant on Economic, Social and Cultural Rights*), E/C.12/GC/21