Linguistic Human Rights and Language Revitalization in Latin America and the Caribbean

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Indigenous Language Revitalization in the Americas

Edited by
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Teresa L. McCarty

**To Indigenous peoples throughout the Americas who
fight for linguistic self-determination and justice, and
whose efforts to revitalize and sustain the immense
mosaic of Indigenous languages give hope that
multiple ways of knowing, seeing, and being in the
world will continue to be vibrant for generations
to come.**

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10   Linguistic Human Rights and Language Revitalization in Latin America and the Caribbean

Marleen Haboud, Rosaleen Howard, Josep Cru, and Jane Freeland

This chapter analyzes the impact of current linguistic, cultural, national, and international legal instruments on language revitalization in Latin America, especially within the Andean region, Mexico, and Nicaragua. The first section describes the international legislation concerning Indigenous languages and peoples. Secondly, we compare each country's legal frame and policies regarding language use and cultural preservation and several recent programs that promote intercultural education for all. The third section describes the situation Indigenous languages face in Latin America and their continuous struggle for survival. We analyze national and local attempts toward linguistic revitalization—their strengths and weaknesses—and discuss strategies of active documentation involving all social sectors and actions based on ethical procedures as feasible alternatives to bridge existing gaps between policy and implementation that favor minoritized languages. We also discuss the urgent need to properly implement creative new ways to reinforce language use in all possible sociocommunicative contexts.

Introduction

Although there have been favorable legislative changes regarding the status of Latin America's Indigenous (minoritized) languages and the linguistic human rights (LHRs) of speakers over the last 20 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 percent of people considered economically impoverished are monolingual Guarani speakers. Regarding language death, UNESCO (2010) predicts that by the end of this century, 50 percent of the world's languages 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 (UNESCO, 2012). Most countries show public interest in respecting individual and collective human rights and defend linguistic and cultural diversity. While potentially favorable, the exaggerated emphasis on written laws and enlarged bureaucracy in many countries hinder actual practice (Barona Becerra & Rojas Curieux, 2008). 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 favor maintenance. Problems also 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 (Haboud & King, 2007).

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, unofficial, and substandard (Albó, 1979; Hingarová, 2003). Haboud (1998) suggests the use of the term "minoritized" 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 groups, 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.

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 percent of the total population of the country (15,737,878) are Indigenous, the 2010 national census shows only 7.3 percent (1,018,176) who self-identify as Indigenous. These discrepancies characterize not only languages with large numbers of speakers such as Quechua (also spelled as 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 in Table 10.1. 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 approximately 420 living languages spoken by 522 peoples in 21 countries; 17 percent are in Mesoamerica (including Mexico) and 27 percent in South America. About 300 are considered "endangered" and the rest "vulnerable." There are 103 (24.5 percent) that are transnational. Most are spoken in two countries, but languages such as Garífuna and Aymara are spoken in four, and Quechua in six (Hingarová, 2003; UNESCO, 2010).[1]

Languages such as Quechua, Nahuatl, Aymara, and Ki'che' have millions of speakers. More than 500,000 people recognize themselves as Mapuche, Maya Q'eqchi', Kaqchikel, Mam, Mixtec, or Otomí; however, ethnic identification does not always coincide with language spoken. In Ecuador, for

Table 10.1 Official statistics of the Indigenous population in Latin America[2]

Country	Estimated Population	Estimated Indigenous Population	% Indigenous Peoples
Argentina	41,474,000	622,100	1.5
Bolivia	9,427,000	5,656,200	60
Brazil	181,604,000	363,208	0.2
Chile	17,010,000	969,570	5.7
Colombia	49,665,000	1,703,509	3.43
Costa Rica	4,695,000	37,560	0.8
Ecuador	14,865,000	4,959,909	33.9
El Salvador	7,977,000	183,471	2.3
Guatemala	14,631,000	8,734,707	59.7
Honduras	8,203,000	263,360	3.2
Mexico	112,891.000	8,466,825	7.5
Nicaragua	6,493.000	519,440	8
Panama	3,504.000	80,592	2.3
Paraguay	6,216.000	142,968	2.3
Peru	29,958.000	11,024,544	36.8
Venezuela	28,716.000	430,740	1.5
Total	**537,329,000**	42,455,204	7.9

(Sources: ECLAC, 2011; Sichra, 2009)

instance, there are approximately 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 nonetheless maintain their identity, which is closely related to their sense of territoriality and worldview (Albó, 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 (Hornberger, 2000). 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 for official purposes.

At least 20 percent 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 13 Indigenous languages spoken in the Chaco area of 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 Latin America, except for Brazil, where the dominant language is 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 10.2 and Figure 10.1). During the last two decades, many State constitutions have been reformed with the goal of adapting to the new international norms and accommodating 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 minoritized peoples of their countries.

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

Table 10.2 Legal status of Indigenous languages in Latin America (see this table's bibliographic sources at www.oralidadmodernidad.com)

Country	Indigenous Languages	Legal Status
Argentina	15	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).
Belize	4	Indigenous languages can be used in their territories.
Bolivia	36	All Indigenous languages and Spanish are official (Constitution, 2009, Art. 5.1).
Brazil	166/186	Indigenous languages can be used in formal education in their communities (Constitution, 1988, Art. 210.2).
Colombia	65	Indigenous languages are official in their territories (Constitution, 1991, Art. 10).
Costa Rica	7	The state must safeguard local Indigenous languages (Constitution, 1949, Art. 76).
Chile	6	The state supports the use and preservation of Indigenous languages in their territories (Constitution, 2003, Art. 28).
Ecuador	13	All the Indigenous languages are official in their territories. Nationwide, Spanish, Kichwa, and Shuar are official languages for intercultural relations (Constitution, 2008, Art. 2).
El Salvador	1	Vernacular languages are part of the national cultural heritage. They will be preserved and respected (Constitution, 2000, Art. 62).
French Guiana	7	Indigenous languages have no official status.
Guatemala	24	Indigenous languages are recognized as part of the national heritage, and respected and promoted (Constitution, 2002, Art. 66, Art. 143).
Guyana	9	Indigenous languages can be used within their communities.
Honduras	6	Indigenous languages can be used within their communities (UNHCR, 2007).
Mexico	68	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 & 5).

(*Continued*)

Table 10.2 (Continued)

| Country	Indigenous Languages	Legal Status
Nicaragua	6	Indigenous languages are official within Autonomous Regions (Constitution, 1987, Art. 11).
Panama	8	Indigenous languages will be the subject of study, preservation, and dissemination (Constitution, 1994, Art. 84).
Paraguay	20	Guarani has official status. Other Indigenous languages are part of the national cultural heritage (Constitution, 1992, Art. 140).
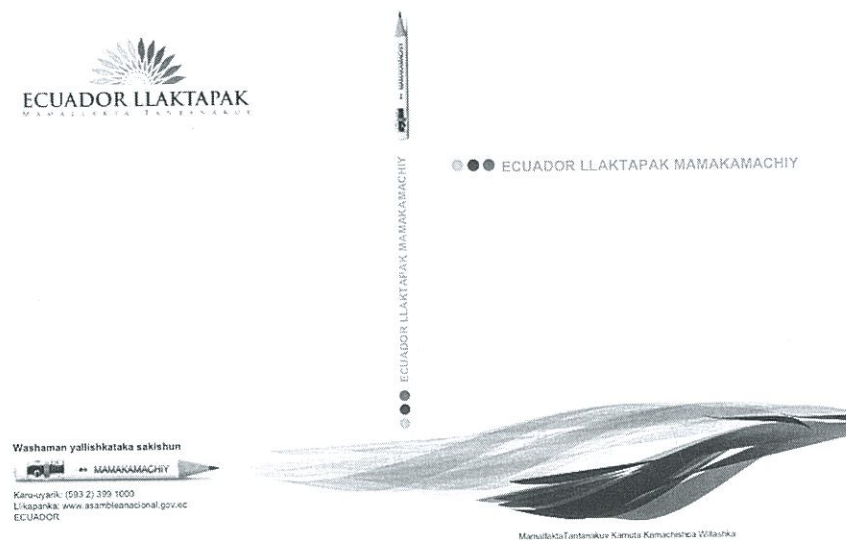
Figure 10.1 Ecuadorian Constitution in Kichwa (Photograph courtesy of Marleen Haboud)

nation-states (de Varennes, 2012). International documents such as the Universal Declaration of Human Rights (December 1948), the International Labour Organization (ILO) Convention No.169 on Indigenous and Tribal Peoples (1989), and the International 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 Latin American countries (International Covenant on Civil and Political Rights, n.d.).

The United Nations has been one of the most powerful language planning agents. For instance, the U.N. *Declaration on the Rights of People Belonging to National or Ethnic, Religious or Linguistic Minorities* (1992) requires the states to create favorable conditions to enable minoritized 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, the 2007 United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP, Articles 13 and 14) supports language maintenance and development, taking into consideration the core function of language as the primary means of communication and transmission of values, worldview, tradition, culture, and identity (see Skutnabb-Kangas et al., this volume). In 2010, the U.N. 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 wellbeing and general development (United Nations General Assembly, 2007). In 2012, the United Nations called for the Indigenous Peoples' Forum to reflect on best practices for Indigenous rights (United Nations, 2006, 2007).

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, minoritized 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 (Acosta, 2009; Becker, 2008; Madrid, 2005).

Worldwide, there are many organizations supporting endangered languages and Indigenous peoples, such as UNESCO, UNICEF, the Foundation for Endangered Languages, the Endangered Languages Fund, the Enduring Voices Project, the National Science Foundation, and the National Endowment for the Humanities. UNESCO's MOST Program 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 (Brandt, 1981).

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. In the next section, we provide details from four case studies on legislation for LHRs, and its impact on language vitality.

Bolivia and Peru

In Bolivia and Peru, current political climates are favorable toward the ideals of LHRs and language revitalization, at least in the letter of the law.

Figure 10.2 Peru's Law of Languages: This is a poster announcing the translation of the Peruvian 'Ley de lenguas' (2011) Law No. 29735 into five Indigenous languages (Copyright: Ministry of Culture, Peru, 2014) (Photograph courtesy of Rosaleen Howard)

The measures taken to implement the laws, and the effectiveness of such implementation, are part of an ongoing process that 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, 32 of which belong variously to the Takana, Arawak, Zamuco, Pano, Tupí-Guarani, 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; Mapa etnolingüístico del Perú, 2009; Ventaides, 2012). Guarani is an exception in terms of numerical strength, with more than 40,000 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 (Molina & Albó, 2006; Sichra, 2009).

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" (Congreso de la República del Perú, 1993). 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 classified into 15 language families, of which Takana, Arawak, and Tupí-Guarani are shared with Bolivia, while Arawak, Tukano, Tupí-Guarani, and Witoto are shared with Colombia, where Quechua is also spoken.

In considering issues of language planning for Indigenous languages, as mentioned above, it should be borne in mind that there is not necessarily a one-to-one relationship between language spoken and the sense of cultural identity held by speakers; Indigenous self-identification may be retained even where language shift to Spanish has occurred. In the case of Peru, there are between 43 and 47 Indigenous languages spoken according to the source consulted (Sichra, 2009); in their analysis of Bolivia's 2001 census, Molina and Albó (2006) note that while 66.4 percent of the population consider themselves to be ethnically Indigenous, just 49 percent speak an Amerindian language. (These figures are modified according to the 2012 census [Albó, 2012].) 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, Article 5.II of Bolivia's Constitution moves toward aligning the non-Indigenous language-speaking population with the principles of LHRs, 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 to train Spanish-speaking personnel in 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.

A number of laws have been passed in Bolivia as an upshot of constitutional reform, with immediate relevance for issues of LHRs: (1) Law 045, "Law against Racism and all forms of Discrimination," whose Article 5 addresses discrimination on grounds of linguistic difference; (2) Law 070, "Avelino Siñani-Elizardo Pérez Education Law" (2010), which provides for intercultural and plurilingual education; and (3) Law 269, "General Law on Language Rights and Language Policies" (2012). Law 269 makes a distinction between individual and collective linguistic rights. 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" (Article 5, para. 2); "be attended to in his/her mother tongue in oral and written form in all public and private offices" (Article 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" (Article 6, para. 1); "equitable incorporation of the languages and knowledge systems of the originary culture into communication and information media" (Article 6, para. 4); "revive and use the toponymy of local, regional and national places in the originary languages" (Article 6, para. 6);[3] and "revive and use musical, academic, medical, and spiritual terminology in the [originary] languages" (Article 6, para. 7). There is a mutually reinforcing relationship between Education Law 070 and Law 269 on language rights. Law 070, Article 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 Article 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," was passed in 2003 under President Alejandro Toledo, but had shortcomings as referred to above. In 2007, Quechua-speaking congresswomen Maria Sumire and Hilaria Supa brought a draft law before the Congress that included granting unconditional official status to all Indigenous languages. 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.[4]

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 (Article 1.1); it also details how the "official language[s]" should be applied in practice (Article 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 the 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, Article 3). The practical contingencies of the "intercultural dialogue" are provided for in Article 16, "Language," and to facilitate such dialogue, the state is sponsoring the training of state interpreters in Spanish and the Indigenous languages (Andrade Ciudad, 2012).

Mexico

Mexico stands out as a one of the most culturally and linguistically diverse countries in the Americas. Despite historical processes of genocide and minorization shared with other Latin American countries, Indigenous people still represent a significant part of the population. According to a 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 percent 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 middle-sized languages (such as Mixtec, Tzeltal, Zapotec, Tzotzil, Otomí, Totonac, Mazatec, and Chol) have over 200,000 speakers—figures which enumerate speakers five years of age and older (INEGI, 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 20th century.

As for the total number of languages in the country (immigrant languages excluded), differing figures, usually ranging from 60 to 100 languages, have been suggested (Pellicer et al., 2006; Terborg et al., 2007). Due to the enormous diversity of the country in terms of sheer numbers of languages, varied linguistic typology, and fuzzy borders between many linguistic communities, consensus regarding the number of languages has not been reached. After a detailed analysis of the national censuses from 1970 to 2000, Cifuentes and Moctezuma (2006) concluded 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" (p. 199). 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 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 above need to be problematized. The issues involved have to do not only with the well-known, arguable reliability of data obtained by self-reporting, particularly where stigmatized languages are concerned, but with a more crucial, sociolinguistic

question of who counts as a speaker of a language (Hill & 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 toward Indigenous peoples are usually based on those figures (Cifuentes & Moctezuma, 2006; Hidalgo, 2006). The need to reach a final classification of the enormous linguistic 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 peoples date back to the 1940s, the national constitution did not include reference to Indigenous peoples until 1992 (PINALI, 2009). Thanks to Indigenous struggles and negotiations with the nation-state, the Mexican Constitution (*Constitución Política de los Estados Unidos Mexicanos*) 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 Indigenous demands, especially in the aftermath of the Zapatista uprising in 1994. Indeed, as stated in PINALI (2009), the San Andrés Accords of 1996 were the basis 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, p. 301).

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 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 is that it has been exclusively devised with the Indigenous population in mind, setting them apart from mainstream society.
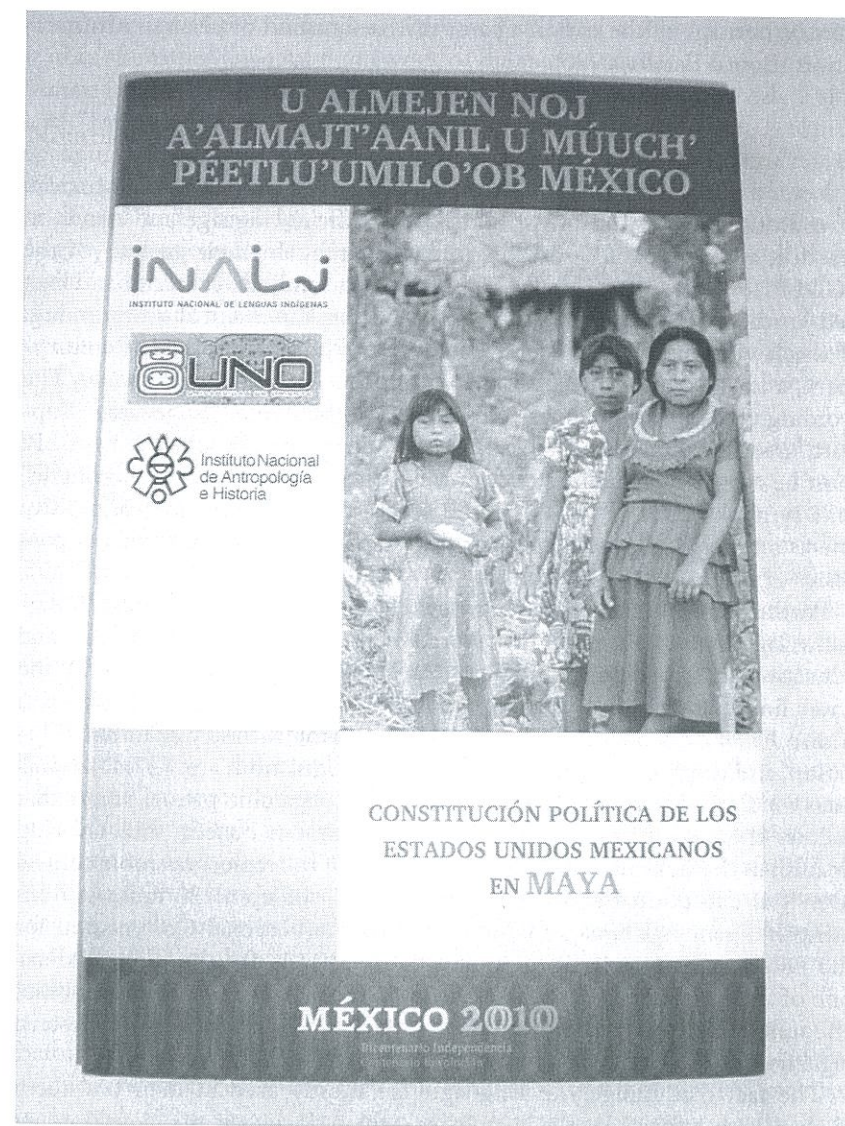
Figure 10.3 Mexican Constitution in Maya (Photograph courtesy of Josep Cru)

The law focuses on the "compensatory nature of minority rights" (Pellicer et al., 2006, p. 147), 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 minori-zation (Bonfil Batalla, 1996).

It is also noteworthy that this law does not give languages "official status." Article 4 states that Spanish and Indigenous languages are "national" languages and should 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 and 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 or on halting the current processes of language shift to Spanish.

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 et al. (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" (p. 127). 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 favoring 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 using 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 centers 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 standardization (PINALI, 2009). Arguably, an emphasis on literacy and on domains of language use, which have 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 revitalization 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 multiethnic, 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 (population 125,869), the Sumu-Mayangna (19,370), of which the Ulwa are a subgroup (600), and the Rama (1,290). Two Afro-Caribbean groups arrived later: the Creoles (27,197), descendants of enslaved Africans imported in the 18th century and other migrants from the Caribbean, and the Garífuna (3,440), who came as migrant loggers in the 19th century. In addition, since the 1960s, state-encouraged peasant migration has continually increased the *Mestizo* presence. *Mestizos* now constitute 76 percent of the regional population.[5]

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 & 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 grammatical structures.

Two interacting forces have affected the region's sociolinguistics. Long before contact, Indigenous groups developed complex intercultural communicative practices; today, they still interact within contiguous, overlapping, and often shared territories. Post-contact relationships with their British colonizers, missionaries, U.S. 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 U.S. firms dominant in the regional economy. Moravian evangelization in English had left the Rama speaking Rama Kriol as their L1, and the Garífuna 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 to evangelize both the Miskitu and the Sumu-Mayangna. This choice left Sumu-Mayangna subordinated on more than one front 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," according autonomous status to the Caribbean Coast. 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 programs pairing Miskitu, Sumu-Mayangna, and English with Spanish had already been initiated in 1985. The Autonomy Law and a 1993 Law on Languages added 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 programs (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 monoethnic 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, Garífuna, and Tuahka communities, however, it met only the first of these provisions. So the Rama and the Garífuna received their PEBI in English, through teaching materials largely featuring Creole culture, which therefore tended to reinforce language shift (Freeland, 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 (Grinevald [Craig], 2003; Rivas Gómez, 2004). Funded through the linguists, these projects initially ran parallel to or were
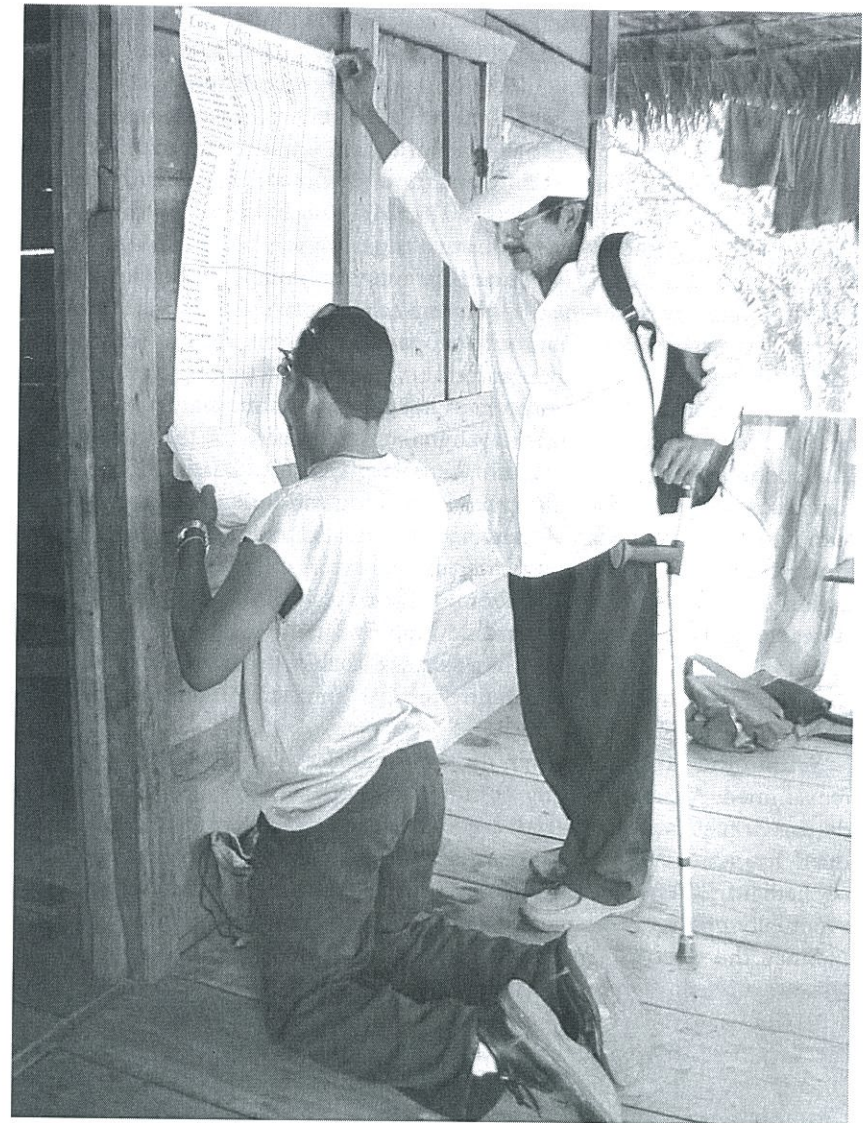
Figure 10.4 Villagers in Walangwas, Nicaragua taking a village language census (Photograph by Jane Freeland)

informally associated with the PEBI. For, despite the Autonomy Law, Sandinista and subsequent governments balked 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 program differentiation previously available only to the least-used languages (Koskinnen, 2010; McLean Herrera, 2008). For the Garífuna, this has facilitated innovative revitalization projects in collaboration with Belizean and Honduran Garífuna communities: exchange visits, language nests, and, recently, a primary school program for Garífuna as a second language (Koskinnen, personal communication, 2012).

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 bidialectal 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, 2006, p. 106). Rejecting the model of teaching through Miskitu and developing Tuahka second-language programs 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 bidialectal approach is now being reexamined. An orthography common to both variants, a bidialectal kindergarten first book and a bidialectal 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 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. While the Sandinista Ministry of Culture had encouraged spaces for maintaining Kriol oral culture outside the school system, 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 favor 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 programs that 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 case studies. 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

Figure 10.5 Intercultural encounters in Ecuador (Photograph courtesy of Marleen Haboud)

between progressive legislation and successful revitalization, mainly because language revitalization policies and programs 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 their 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 that must involve public and private sectors as well as academics. Most of all, the speakers need to be heard and respected in order to become active agents of change.

Notes

1 Garífuna is spoken in Belize, Guatemala, Honduras, and Nicaragua; Aymara in Argentina, Bolivia, Chile, and Peru; and Quechua in Argentina, Bolivia, Colombia, Chile, Ecuador, and Peru.
2 These are estimated figures taken from various official demographic sources collected in different periods of time. They must be taken with caution.
3 Notice the term "Aboriginal languages" has been replaced by "originary languages."
4 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).
5 These Nicaraguan population data show telling differences between global data and more local censuses (Green, 1996; Koskinnen, 2010; McLean Herrera, 2008; PNUD, 2005).

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