Linguistic Reparative Justice for indigenous peoples: The case of language policy in Colombia

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Linguistic Reparative Justice for indigenous peoples:

The case of language policy in Colombia

Brett Todd

A thesis in fulfilment of the requirements for the degree of Doctor of Philosophy

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Faculty of Arts and Social Sciences

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Indigenous societies in the Americas and Australasia experienced many transformations following European colonisation, one of which has been a widespread shift from ancestral languages to the coloniser's languages. Factors contributing to such change in linguistic practices have ranged from the violence's of conquest, through classroom prohibitions on native tongues as part of assimilatory efforts in new nation-states, to modern-day social and economic forces that privilege the dominant language.
Based on the premise that extinction of a community's traditional language represents a significant cultural loss, this thesis proposes a concept of linguistic reparative justice (LRJ). LRJ would require states to undertake reparative measures aimed at redressing the loss or decline of indigenous languages. By exploring state practice in providing reparations to victims of wrongful acts in the recent past, and the debate among legal and political theorists regarding redress to indigenous peoples for the wide range of historic injustices committed against them, the analysis finds justification for a moral obligation to provide redress for language loss.
It then examines international human rights law to determine that, at least in some circumstances, there may also be a legal obligation for states to provide language-related reparations. The conceptualisation of LRJ concludes with a postulation of its practical content, being the actions state institutions could take to support indigenous communities in efforts to maintain or revitalise their languages.
The second part of the thesis is a case study of the situation in Colombia, where threats to a diverse collection of native languages are exacerbated by the country's armed conflict. In 2008, against the backdrop of a purported state commitment to multiculturalism, the Culture Ministry developed a protection program for ethnolinguistic diversity, followed by a law on languages and linguistic rights of indigenous, creole and gypsy communities. The research reveals how crucial deficiencies in the law coincided with a range of contextual impediments, including a lack of bureaucratic and political will, that interrupted implementation of the legislative measures.
The thesis concludes that the new Colombian policies have potential to be a starting point for LRJ. However, further progress towards this objective may require indigenous communities to seek compliance through the courts.

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ABSTRACT

Indigenous societies in the Americas and Australasia experienced many transformations following European colonisation, one of which has been a widespread shift from ancestral languages to the coloniser's languages. Factors contributing to such change in linguistic practices have ranged from the violences of conquest, through classroom prohibitions on native tongues as part of assimilatory efforts in new nation-states, to modern-day social and economic forces that privilege the dominant language.

Based on the premise that extinction of a community's traditional language represents a significant cultural loss, this thesis proposes a concept of linguistic reparative justice (LRJ). LRJ would require states to undertake reparative measures aimed at redressing the loss or decline of indigenous languages. By exploring state practice in providing reparations to victims of wrongful acts in the recent past, and the debate among legal and political theorists regarding redress to indigenous peoples for the wide range of historic injustices committed against them, the analysis finds justification for a moral obligation to provide redress for language loss.

It then examines international human rights law to determine that, at least in some circumstances, there may also be a legal obligation for states to provide language-related reparations. The conceptualisation of LRJ concludes with a postulation of its practical content, being the actions state institutions could take to support indigenous communities in efforts to maintain or revitalise their languages.

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The thesis concludes that the new Colombian policies have potential to be a starting point for LRJ. However, further progress towards this objective may require indigenous communities to seek compliance through the courts.

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CONTENTS

PART A

LINGUISTIC REPARATIVE JUSTICE:

A CONCEPTUAL FRAMEWORK FOR STATE RESPONSIBILITES TO REDRESS INDIGENOUS LANGUAGE LOSS

CHAPTER 1

INTRODUCTION: LINGUISTIC REPARATIVE JUSTICE AS A RESPONSE TO INDIGENOUS LANGUAGE LOSS

Over the last two decades, there has been increasing visibility in academia, media, civil society and the political realm to the endangerment and disappearance of minority languages around the world. The languages of indigenous peoples have been a particular concern in this regard. Across the Americas, Australasia and northern Eurasia, indigenous communities are increasingly abandoning the use of their traditional languages as part of a widespread shift to the languages brought in by European colonisers. The extinction of a community's traditional language, or its displacement from key domains of social life, can be regarded as a significant cultural loss to that community and its members. Language decline and disappearance, and the dilemmas of how to respond to it, constitute a challenge confronting all community members, not to mention indigenous leaders, educators, activists and cultural workers. At the same time, policy makers whose decisions impact upon indigenous peoples face the question of whether or not their respective states should take some form of action in response to the weakening and disappearance of ancestral languages, and if so in what form.

During the same period, there have been debates in academic and political fora regarding the provision of reparative justice to groups that have suffered loss or damage because of wrongful acts committed in the past. States have provided reparations – such as land restitution, monetary compensation, or social and psychological assistance – to groups such as: Japanese-American civilians interned during World War II; survivors of the Nazi Holocaust; victims of disappearances, tortures and other human rights abuses perpetrated by Latin American military regimes; and, most recently, to Kenyans victimised by British forces during the Mau-Mau rebellion.

However, the recent debate has largely been concerned with the more controversial question of reparative justice for wrongs committed against earlier generations. In particular, attention has focused on the issue of making reparations to African-descendants in the Americas for slavery, and to indigenous peoples for the usurpation of land and other harms inflicted during processes of European conquest and consolidation of successor states. This brings us to a

point of intersection between these two themes that has been little dealt with in either scholarly literature or state practice: the issue of redress to indigenous peoples for the loss of their languages as a result of colonial injustices.

This thesis seizes upon that intersectionality: it elaborates a concept of "linguistic reparative justice", a term I first proposed in Todd (2013), whereby states are expected to make reparations to indigenous peoples in order to redress indigenous language loss. It posits that responsibility for language loss is attributable to a state when a decline in the knowledge and use of indigenous languages within its frontiers is the result of wrongful acts such as processes of conquest, colonisation, domination, assimilation or other applications of violence and control. The provision of reparations in such cases would entail the implementation of actions designed to strengthen or restore the use of those languages, in accordance with the wishes of the indigenous communities concerned. To accompany my coinage of the term "linguistic reparative justice" (abbreviated to "LRJ" for convenience in this thesis) to describe such language-related or language-focused reparations concisely, I will also sometimes use the shorthand term "linguistic damage" to refer to the various negative impacts on indigenous languages and linguistic practices resulting from the collision of indigenous societies with European colonialism – impacts which range from languages being made extinct without any knowledge of them remaining, through to diminished recounting of traditional stories or use of kinship terms, or abandonment of complicated grammatical patterns under the influence of the dominant tongue.

The thesis proceeds in two parts. Part A develops a develops a general model of LRJ intended to be pertinent to any situation where indigenous peoples have experienced linguistic damage that can be attributable to a state or other entity. Part B presents a case study of the recent evolution of a minority language policy in Colombia, and then analyses the strengths and shortcomings of that policy and its implementation in order to determine the extent to which it complies with the LRJ framework.

THE SEVERITY OF INDIGENOUS LANGUAGE LOSS AND THE CONTRIBUTION OF THIS THESIS

The loss of linguistic diversity is often compared with the loss of biodiversity: just like plant and animal species, languages are becoming endangered and extinct at a rate that began to

rise with the commencement of European expansion in the late 1400s and then accelerated further as the twentieth century progressed (Krauss 1992; Hale 1992; Nettle & Romaine 2000; Harrison 2007; Maffi 2005; Sutherland 2003; Crystal 2000). UNESCO (2010) estimates that of the more than 6000 languages spoken in the world at present, approximately half will disappear by the end of the current century. The authors cited are among many who bemoan language extinctions as a tragic loss of cultural diversity and human knowledge – as Nettle & Romaine (2000) put it, each language "has its own window on the world", and "is a living museum, a monument to every culture it has been vehicle to." For linguists, the loss of a language is the loss of an opportunity to make discoveries about hitherto unknown grammatical features, or to prove theories of linguistic evolution (Evans 2010; Gibbs 2002; Harrison 2007; Dalby 2002; Hagège 2009). Building on the parallel with declining biodiversity, a number of writers also note broader negative consequences of language loss: the loss of traditional ethno-botanical or ethno-medicinal knowledge could deprive the whole of humanity of environmental management techniques that could be useful for dealing with environmental change, of food crops that could feed growing populations, or of the key to unlocking cures to hitherto untreatable conditions (Maffi 2001; Dalby 2002; Nettle & Romaine 2000; Harrison 2007). Not surprisingly, after pointing out these consequences, these authors also present a case for acting to arrest the trend of language endangerment and extinction.

These arguments have their value for justifying actions to strengthen the use of a language, or at least to document it in sufficient detail so that some of the knowledge is retained; and proposals for reparative approaches to indigenous languages are very compatible with these goals. However, as I explained in Todd (2013), the foundations of a concept of LRJ do not depend on the desirability of protecting linguistic diversity for the sake of humanity's heritage, or scientific advancement, or any other arguments that are extraneous to the experiences of the communities who speak, or spoke, particular languages. Rather, although buttressed by these arguments, LRJ is founded upon the objective of redressing the specific harm suffered by peoples whose particular historical experience of colonisation has resulted in linguistic damage. The argument for LRJ is driven by a set of political and legal imperatives that are absent from much of the literature regarding language loss.

The harm caused by the disappearance of an indigenous language takes many forms within the communities in which it was spoken. In addition to being a communicative medium,

language is a constitutive element in a community's collective sense of identity and the vehicle that carries its culture through the generations (Fishman 1987; Riley 2007; García 2012; Edwards 2010; Harrison 2007). Through it are transmitted collective memory and most traditional knowledges: worldview and religious practices; the relation to land, water, animals and plants; hunting, fishing, agriculture and other economic activities; laws and customs; kinship and social structures; techniques for construction and creation and use of tools; visual arts, dance and music. A community that stops using its ancestral language does not necessarily lose its identity and its distinctiveness. Indeed, it is possible to see such a change in language practices as merely another facet of the dynamic processes that occur in any culture, no matter how ancient and unchanging it might appear to the modern occidental gaze. However, such a change in linguistic practices cannot occur without entailing some diminution in the collection of various forms of knowledge it previously held about its relationship with other communities, with nature, and with the spiritual realm.

Hence, for an indigenous people that may already be suffering the effects of social disintegration, economic disempowerment, environmental degradation and the abandonment of ancient religious beliefs and practices, the disappearance of the ancestral language can be expected to be a tremendous loss. Indeed, actors in modern indigenous movements around the world have repeatedly voiced their concerns about the loss of language and called for actions to be taken (Pearson 2009; Hlebowicz 2012; Nevins 2004; Russell 2002; Uran 2005; ONIC 2007; Pineda Camacho 2000). Activists, scholars and public institutions in various countries have documented that retention of native language is associated with higher levels of social well-being in indigenous communities and lower levels of psychological trauma and criminality (Marmion et al. 2014; Bronson 2002; Biddle & Swee, 2012; Australian Bureau of Statistics 2011; Reyhner 2010; McIvor 2013; Hallett et al. 2007). Thus, as will be emphasised in later chapters, efforts to remedy linguistic damage will also serve to repair diverse forms of social, psychological and cultural damage. Further, as Chapter 2 notes, LRJ would be a strong step towards reconciliation between indigenous peoples and majority societies in both Anglophone settler states and Latin American countries.

There is insufficient space in this thesis to contemplate the concept of LRJ against the backdrop of debates about linguistic rights or linguistic justice in general. However, I will note in passing that a particular advantage of LRJ is its applicability to indigenous communities across the full range of sociolinguistic circumstances: from communities in

which every member has the native language as their mother tongue but it is being displaced by English or Spanish in certain domains of use, through to ones in which the last speakers of the traditional language died decades before and only vestigial knowledge is retained by their descendants. In cases such as the latter, arguments for linguistic justice such as those analysed by Mowbray (2012), or the conceptions of language rights advanced by May (2012) or Skutnabb-Kangas & Dunbar (2010), may have less cogency. These understandings of linguistic justice and language rights would view states as obliged to take actions with respect to languages that are still actively spoken, as LRJ does, but are less compelling where "dead" or "dying" languages are concerned. The question of approaches to languages in these most advanced conditions of attrition will be addressed further in Chapter 4.

METHODOLOGICAL ASPECTS

Much as the arguments in this thesis are developed from ideas drawn from a number of disciplines, so too does it incorporate several methodological approaches, in accordance with the research objectives of each section. In particular, the two parts into which this thesis is divided reflect the application of distinct methodological frameworks.

Part A is grounded in the theory and practice expounded in a multidisciplinary range of academic scholarship and other published material, such as texts produced by community organisations involved in language revitalisation, judgments of courts and tribunals, and documents issued by UN agencies and NGOs. At several points those written sources are augmented by information gleaned from interviews or personal communications, including some contributions drawn from my Colombian field research, but the textual evidence predominates. Each chapter engages with the scholarship of a distinct disciplinary field in order to justify the concept of LRJ and simultaneously contribute to the construction of a model of LRJ. Some of the works drawn upon are purely theoretical in nature, while others are focused on aspects of practice within the fields referred to. Thus, in addition to being strongly interdisciplinary, the thesis bridges theory and practice in order to devise a workable LRJ framework.

The core of Part B is the case study of the development and implementation of Colombia's first policy specifically focused on its minority languages, consisting of the Protection

Program for Ethnolinguistic Diversity[1] (PPDE), which was launched in February 2008 by the Colombian Culture Ministry, and the Native Languages Law, promulgated in January 2010. I analyse this policy by adapting what has been called a "thick description" in ethnographic studies of education and language policy, as discussed in Canagarajah (2006), Davis (1999), Johnson (2009), Sichra (2006) and Hornberger (2013), those authors in turn applying the concept introduced by Geertz (1973). A particularly apposite example of thick descriptive analysis is Warhol (2012), which examines the creation of the *Native American Languages Act 1990/1992* in the United States. Warhol's choice of nationally enacted linguistic legislation as her object of study makes it directly comparable to my Colombian case study, but it also shares a focus on the persons and entities involved in making that law – that is, on policy actors at the "macro-level" (Ricento 2000). In contrast, the other authors mentioned, along with ethnographic studies of language policy such as Valdiviezo (2013), Mortimer (2013), Hornberger (1988), emphasise actors and events at the "micro-level" (Ricento 2000) and with revealing "agentive spaces in which local actors implement, interpret, and perhaps resist policy initiatives in varying and unique ways" (Hornberger & Johnson 2007, 510). By applying this kind of methodological approach, I was able to shed light on the orientations and actions of a diverse range of players in this particular instance of policy-making about language. As noted by Canagarajah (2006) and Johnson and Freeman (2009), this kind of ethnographic research is able to provide feedback that contributes to the language policy process.

My analysis of the PPDE and Native Languages Law policy-making process is based on research material that I collected between 2010 and 2012 in the course of four field trips to Colombia. That fieldwork encompassed formal interviews, informal conversations, observations and document analysis. The interviews and conversations were with a total of over 70 persons. I was able to have discussions with a large number of persons who were, or had previously been, engaged in work on the PPDE or in different units within the Culture Ministry and its associated entities, whether as occupants of permanent positions or as holders of ad hoc consultancies or short-term contracts. I also spoke with officials in relevant units of the Interior Ministry, Education Ministry, Presidential Program for the Integral Development of Indigenous Peoples, and other state entities; a cross-section of academics including anthropologists, linguists, political scientists and legal academics; office holders

[1] *Programa de Protección a la Diversidad Etnolingüística*

and activists from minority organisations as well as indigenous and Afro-Colombian educators, including some who were involved with the PPDE activities; and representatives visiting from the language policy agency of Spain's Basque Country. I thus managed to speak with most of the key actors in the process, as well as with other persons who had some other form of involvement or could offer helpful insights. I digitally recorded interviews and conversations whenever my interlocutor was comfortable with me doing so, and in several cases agreed to conserve full confidentiality.[2]

The observational element included visits to communities where native languages (three indigenous and two creole languages) are spoken or being revitalised. I also participated in a national seminar on the teaching of native languages, with representatives from several dozen Colombian ethnic groups and from entities involved in the language policy process; attended a number of other talks and conferences, as well as the annual Native Languages Festival that was established as an awareness-raising plank of the PPDE; and was permitted to observe meetings between indigenous organisations and national government entities. Details of the interview and observation components of my field research are included in Appendix A.

Another key component was the collection and analysis of a large quantity of documentary material acquired from libraries and from the premises or the websites of a range of Colombian national ministries, other governmental entities, universities and ethnic organisations, as well as some unpublished documents. Analysis of these documents was essential in order to construct the thick description that this case study demanded. In addition to their importance for illuminating the broader social, cultural, legal and political contexts – both contemporary and historical – of Colombia's ethnic groups and their languages, some of the documents were crucial in filling in gaps in the verbal accounts I received regarding the policy development and implementation processes, and for resolving or uncovering inconsistencies between conflicting versions.

I also assembled a database of all the media coverage that I could locate regarding the PPDE, Native Languages Law and related matters from 2007 to 2012, with some monitoring of newspapers and of Culture Ministry press releases continuing until February 2014. As well as

[2] This published version of the thesis goes one step further by anonymising all informants, and indeed almost all of the actors in the Colombian language policy process, other than a few who were prominent in the national media and ministerial publications.

providing additional detail on many aspects of the language policy processes, that media collation, which is summarised in Appendix C, serves as a barometer of the degree of attention given by the Ministry to its language work.

Given the volume and complexity of the material collected, much of the contextual detail is summarised in the chronology in Appendix B, including aspects of historical background and international context.

OVERVIEW OF THE THESIS

Outline of Part A

As already apparent, Chapter 1, in addition to summarising the methodological approach and the structure of the thesis, includes a discussion on the contemporary phenomenon of indigenous language loss, while also noting the contribution the LRJ conceptual framework is able to make by addressing that phenomenon in a way not fully explored in the scholarship hitherto. The remaining chapters of Part A build on that introduction by examining the case for LRJ firstly as a moral responsibility of states, and secondly as a legal responsibility, before turning to the practical content of LRJ and the essential conditions for its application.

Through an assessment of scholarship about the theory and practice of reparations for historic injustice, Chapter 2 considers whether there is a moral obligation for states founded upon the conquest of indigenous populations to respond to indigenous linguistic damage with reparative justice. It notes the complexity of many injustices for which reparation is sought, particularly for events in the distant past, making it difficult to identify and delineate the groups categorised as victims and those seen to have benefitted from historic wrongs. Even for many cases involving "victims" who are still alive, such as struggles to achieve justice for the "stolen generations" in Australia and survivors of residential schools in North America, the acts in question were not unlawful at the time they were committed, or are no longer recoverable under domestic legal systems, which means the provision of reparations would be a matter for the political realm, and not for the courts. In contrast, the provision of reparations for indigenous victims of contemporary armed conflicts in countries like Colombia is more likely to be legally required, but may not be adequately delivered. Despite this variability, Chapter 2 finds that there is strong support for reparations for at least some of

the harms suffered by indigenous peoples, and that linguistic damage can be characterised as a harm meriting a reparative response. It thus concludes that states have a political or moral responsibility to provide LRJ for linguistic damage resulting from past wrongful acts against indigenous peoples, and distinguishes this broader responsibility as "morally-based LRJ"

Chapter 3 then focuses on the question of whether states bear a legal obligation to provide LRJ – that is, beyond any moral or political imperative. In the absence of jurisprudence or scholarship that provided a direct answer to this question, I undertook my own survey of relevant international law in order to determine: if states are bound by obligations to take specific actions regarding indigenous languages or linguistic rights; the extent of any such obligations, including the time periods to which they relate; and whether a failure to meet those obligations gives rise to a potential liability to make reparations for any harm that results. This analysis determines that, as a result of international law developments in the latter half of the twentieth century, states do have legally binding responsibilities with respect to native languages and indigenous rights relating to those languages. I thus conclude that states bear a concomitant duty to provide reparations for failures to discharge those obligations, or what I term "legally-required LRJ". Hence there is potential for indigenous communities to seek reparations for recent state acts or omissions that have negatively impacted their language practices. The obstacles to a successful claim would be numerous; however, the ongoing evolution in understandings of indigenous rights[3] increases the possibility that a national or regional court, or a UN treaty body, might order or request a state to make reparations for linguistic damage. Relevant to the Part B case study, prospects for legally-required LRJ are strongest in Latin America, either in the inter-American human rights system of or in domestic courts influenced by its jurisprudence, such as the Colombian Constitutional Court. Further, there is scope for states to pre-empt such a finding by voluntarily introducing measures aimed at redressing linguistic damage.

Chapter 4 turns to constructing the content of LRJ, in both its morally-based and legally-required scopes, for its real world application. Examining efforts undertaken within indigenous communities to maintain, increase or reinstate the use of traditional languages, it shows that states could assist such grassroots and "bottom-up" initiatives without displacing

[3] Evidenced by the degree of support for the 2007 *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).

indigenous control. Thus, governments can provide funding facilitate access to digital technologies, train community members in documentation, publishing or teaching, or act as intermediaries in securing aid from institutions that support revitalisation work. While acknowledging controversy over the role of non-indigenous experts (for example, for undermining community control over cultural heritage), the chapter considers how collaborations by linguists can add value to community endeavours to revitalise weakened languages, as well as being a way for members of majority society to contribute directly to LRJ.

Chapter 4 then considers "macro-level" or "top-down" LRJ measures – that is, measures inherently within the sphere of state action. After briefly addressing the merits of constitutional or legislative recognition of indigenous languages, it looks at the field of language policy: laws, programs, plans and other governmental actions, whether at national or subnational level, that aim to promote and expand the domains of use of a previously subordinated language. Examples of "best practice" and "lessons learned" are taken from attempts to reverse declines in local languages of polities such as Catalonia, the Basque Country, Wales, Ireland, and Friesland. The chapter thereby proposes a range of measures suitable for LRJ, the final selection of which would depend upon the circumstances of the language (such as its degree of vitality), community (for example, educational and socioeconomic factors) and state (most obviously, financial resources and administrative capabilities) – and, most importantly, given the principles underlying LRJ, upon the needs and preferences of the communities concerned. The final part of Chapter 4 then examines how successful and sustained implementation of LRJ efforts would necessitate sufficient resourcing, continuity and institutional commitment to ensure that they make the leap from policy documents into actions that can transform the sociolinguistic realities of the communities where indigenous languages have been spoken.

Outline of Part B

Chapter 5 opens by explaining the rationale for selecting Colombia for a case study in relation to LRJ. The chapter then commences the thick description of the case study by examining historical and contextual factors that are crucial to an understanding of the development of the new Colombian language policy. These include salient features of the country's political and legal systems; the armed conflict that has raged for over six decades;

the situation of the country's indigenous peoples and its other ethnic groups (Afro-Colombians and Roma) and the historic decline of their languages; steps to bring native languages (and elements of community control) into indigenous schools; the reforms of the 1991 Constitution guaranteeing human rights and recognising indigenous territorial rights, self-governance, cultures and languages; the Constitutional Court's generally progressive interpretation of constitutional provisions; and the growth of multicultural structures and procedures within state institutions, and resulting bureaucratisation of indigenous organisations. This analysis demonstrates that historical approaches to indigenous languages and cultures were typified by prohibition or neglect, with detrimental consequences for linguistic survival. However, it also uncovers the deficiencies of continuity, commitment and resources that have undermined purportedly more enlightened efforts to protect those languages in more recent times.

In Chapter 6 I study the circumstances of the birth of Colombia's new language policy, as well as the content of its two chief components, the PPDE and the Native Languages Law. I then analyse how implementation of both those components began to falter around the time of the change of national government in mid-2010, and how subsequent statements and actions by the Culture Ministry point to a reoriented approach that implicitly dilutes the original policy without actually denouncing it. Additional detail on the steps in this process of policy development and implementation, and on contextual and historical factors pertinent to Chapters 5 to 7 generally, is provided in the Appendix B chronology.

Chapter 7 utilises the framework elaborated in Part A to evaluate the appropriateness of the PPDE and the Native Languages Law as vehicles for delivering LRJ. It shows that "on paper" the content of the PPDE and the text of the legislation align well with measures identified in Chapter 4 as suitable for LRJ efforts, and are consonant with LRJ principles of maximising the participation of the communities concerned. They similarly comply with the international law obligations discussed in Chapter 3 and with the principles of the moral obligations explored in Chapter 2 – in other words, they are adapted to delivering both morally-based LRJ and legally-required LRJ. However, I also reveal that a number of factors, including bureaucratic and ministerial indifference, limited funding, competing priorities within indigenous communities and organisations, and a failure to gain the support of all stakeholders, appear to have prevented the new Colombian policy from being implemented as it was originally planned. Thus the LRJ principles regarding commitment and continuity have

not been operationalised with respect to both the Native Languages Law and the broader ministerial program.

Finally, Chapter 8 concludes the thesis by reflecting upon the steps ahead for Colombian language policy, and what would be needed to realise its inherent potential to provide LRJ. I also point to areas where further research needs to be undertaken to expand on my findings.

The diagnoses, predictions and recommendations canvassed in Chapter 8 are intended to be of utility for other contexts where the survival of indigenous languages is in question, far beyond Colombia's frontiers and in settings featuring very different social, economic and political factors. In much the same way, my objective is that the thesis as a whole contributes to work already being undertaken in indigenous communities around the world to conserve their languages from ongoing patterns of colonialism and globalising forces. In particular, the development of the concept of LRJ is intended to show that governments do bear legal obligations, in addition to moral and ethical obligations, to commit resources to assist indigenous communities in those efforts.

CHAPTER 2:

CONCEPTUALISING REPARATIVE JUSTICE FOR INDIGENOUS LANGUAGE LOSS: IS THERE A MORAL OBLIGATION TO PROVIDE LRJ?

The aim of this chapter is to investigate the feasibility of the concept of LRJ in the light of existing theoretical explorations of reparations and reparative justice. Such theoretical analyses have been made in relation both to real world situations in which states have actually provided reparative justice and to the generally highly contested matter of potential reparative responses to other historic wrongs. The chapter is structured around the key issues raised by the scholarship consulted – in effect it poses a series of questions against which to test the idea of LRJ.[4]

Appropriateness of reparations for indigenous peoples

The academic literature on reparations emphasises the multifaceted character of reparative justice. Rather than simply entailing the provision of compensation, it is seen to combine an acknowledgement of a past wrong and an undertaking to make amends for the damage caused. Additionally, a number of commentators stress the potential of reparative processes for effecting reconciliation between groups within a society. For example, Tsosie (2006) distils two aspects from Yamamoto (1999) that she sees as critical to the process of renegotiating the relationship between native peoples and the dominant society. The first is that "the groups must reconstruct their relationship through acts that indicate acknowledgment of wrongdoing and a commitment to 'make things right.'" The second critical aspect is "a material commitment of resources, rights, political/cultural/social recognition, or whatever else might be needed to facilitate the economic, social, and political changes necessary to overcome past and present injustice" (Tsosie 2006, 198). For indigenous peoples, not only can reparation improve the living conditions of the persons harmed, but it also serves as the "basis for reconstructing the link between present and past

[4] In-depth treatment of legal aspects will be reserved for Chapter 3. However, international law principles and practices regarding reparations are touched upon in the discussion in this chapter where appropriate. This is necessary because many of the authors of works addressing reparative justice – such as Shelton, Lenzerini, Charters, Kumar, Mitchell, Magarell, Francioni – are scholars of international law.

times, restoring the continuity of the present generations with their ancestors as well as the integrity and 'eternity' of the cultural and spiritual identity of the communities concerned" (Lenzerini 2008, 20).[5] Reparations for indigenous peoples can be seen as part of a decolonising process (Smith 2004), and are very frequently discussed in terms of achieving a reconciliation in the present for past wrongs, and therefore as a way of "getting relationships with indigenous peoples right" (Thompson 2002).

LRJ would seem to fit well with these understandings of reparative justice. It would deliver an explicit acknowledgement of the fact that there was destruction of indigenous language practices and linguistic knowledge, imposed by violence and coercion. The implementation of LRJ measures would indeed represent a serious commitment by the state and mainstream society, both of resources[6] and of attention – for example, efforts to learn the native languages by other members of society. It would affirm indigenous identity and valorise indigenous culture, against a historic backdrop of denigration and neglect. LRJ measures could furnish work and study opportunities for both old and young members of the communities concerned,[7] while providing a strong link back to the traditions and past achievements of the people.

Of particular relevance for the Colombian case, LRJ accords with the concept of transformative reparation that has been advanced by Uprimny & Guzmán (2010). They present that concept as a way of dealing with the twin challenges of building peace and providing sorely needed social justice within the conflict-torn country.

Are impacts on languages a "harm" meriting redress through reparations?

Much of the academic literature on reparations for indigenous peoples, and indeed for reparative justice for other groups of people, focuses on redress for injustices that resulted in the appropriation, damage or destruction of something tangible. Usurpation of an individual

[5] Lenzerini (2008, 11) also sees use of the term "reparations" in relation to indigenous peoples as especially apt given the word's traditional use within the context of state responsibility for internationally wrongful acts vis-à-vis other states, as it thereby "better recalls that status of indigenous peoples as original sovereign entities over their ancestral lands that never totally lost their sovereignty".

[6] Consider the expenditures in New Zealand since the introduction of the *Maori Language Act* in 1987.

[7] Chapter 4's discussion of the content of LRJ in practice will address these concrete results of LRJ measures.

or community's land is one of the more prominent scenarios covered (for example, Fay & James 2009; Anaya 2004), and for aboriginal peoples the issue of return of human remains, grave goods, sacred objects and other relics has also received significant attention. However, there is no doubt that reparable damage goes far beyond objects, and even beyond other quantifiable forms of economic loss, as witnessed by the whole subfield dedicated to the topic of reparations for the victims of gross violations of human rights (such as du Plessis 2007, Magarell 2007, Gómez 2008, Rubio-Marín et al. 2009), which covers a range of observable harms such as bodily injuries inflicted by violence, but also psychological harms, such as those arising from the loss of family members and the trauma of being the victim of violence or displacement. By analogy, there would seem to be scope for extending the category of reparable losses to other intangible impacts, such as eradication or disruption of valued cultural practices or knowledges. Indeed, the Guatemalan reparations program specifically includes "cultural reparation measures" that aim to "to recover and revitalize the culture and identity of the people, communities and regions affected by the internal armed conflict" (National Reparations Program (PNR) Handbook, cited in Rubio-Marín et al. 2009, 3).

Support for this comes from Lenzerini (2008), who considers that the "nature and content of the terms 'wrong', 'tort', prejudice', 'loss', harm', 'damage'" should be "evaluated primarily through the perception of the persons and/or groups concerned", so there is no necessary requirement of "economic loss, physical damage or any other kind of predetermined effect, especially with respect to indigenous peoples". He thus finds that the terms mentioned can potentially cover "any modification of the pre-existing conditions affecting the lives of indigenous peoples… provided that it may be reasonably qualified as a breach of a right belonging to the community concerned or to any of its members"– and explicitly states that the broad understanding to be given to 'right' includes cultural rights (Lenzerini 2008, 15-16). Clearly, his conceptualisation of a reparable damage is capable, prima facie, of covering 'rights' in relation to language.[8]

[8] Note too that Lenzerini's focus is on states meeting their international law obligations with respect to indigenous peoples – thus his argument is even more cogent if we consider the content of the moral obligation that a state may bear.

The discussion of the issue of language endangerment and the importance of language to ethnic and cultural identity in Chapter 1 should serve to support an argument that a community's shift from its traditional language to another does represent a loss in cultural terms – of ancestral knowledges, oral literatures, understandings of kinship, markers of identity, religious beliefs and socio-legal norms.[9] Further, this cultural loss can be appropriately characterised as a form of "damage" when the language shift is the result of violent coercion or subordination to another group of people.

Other support for the characterisation of induced language loss as damage resulting from wrongful acts can be found in the appeals made to governments and international bodies over the last century by indigenous groups in many parts of the world.[10] This expression by indigenous communities of the value of their language and culture means it is reasonable to talk about individuals – *qua* individuals and also as members of collectivities – being harmed by the loss of a language crucial to their cultural identity or heritage, or spoken by other members of their ethnicity, or able to give them an understanding of their traditional religion. Importantly, there is a perceived harm in that they would be unable to pass on this legacy to their children, thereby constituting an "injustice in the family line" (Thompson 2002).

Hutchinson (2007) sees reparations for loss of "language, customs and traditions" as appropriate for the survivors of the Canadian residential school system. These schools, which also existed in parts of the US, were founded by 19th century legislation that sought to assimilate native children. They were marked by prohibitions on use of native languages, along with tragically high mortality rates and numerous instances of abuse that resulted in long-term physical and psychological harm. The officially commissioned reports on the Canadian residential school cases emphasise the loss of culture as something that deserves to

[9] Of course, it may be argued that such a change of community language may also bring benefits in some cases. That argument, apart from being vulnerable when measured against the past and present reality of subordination and oppression that most indigenous peoples have experienced, can be met by posing counterfactuals in which the community still gained the technological, material or cultural advances that the invading society offered, but managed to retain its own language (with our without also acquiring the invading culture's language).

[10] This will be seen in the next chapter in relation to the global network of indigenous movements and its impact on the United Nations and other international bodies, and in Chapter 5 with respect to the claims that have been advanced by indigenous activists and organisations in Colombia and other Latin American countries since the early 1970s.

be redressed, and include language in their description of the harms suffered. Language loss is presented as part of a collection of negative impacts on the survivors and on the indigenous communities from which were taken (see, for example, Cooper-Stephenson 2003, Llewellyn 2002, Oxaal 2005, Alfred 2009, Petoukhov 2013 and Morse 2009).[11]

Very similar conclusions were made by the *Bringing Them Home* Report (HREOC 1997) on the Australian "stolen generations" – referring to the practice of removing Aboriginal children, particularly those of mixed race, from their parents in order for them to be raised by white families or else trained in institutions, with a resultant severing of ties with communities and culture.[12] However, in the Australian case there has not been an implementation of those recommendations (Butt 2008; Cuneen 2008; Arzey & McNamara 2011). The introduction of a federal indigenous language policy in 2008, and of separate policies by the Australian states and territories around the same period, was not referenced or related to the findings on the stolen generations, nor was it linked to the apologies made by the Prime Minister in 2007 and by state premiers at earlier times – indeed, those apologies were not accompanied by any form of compensation. In contrast, the apologies made to the residential school survivors by Canadian governments, some of which acknowledged the loss of culture as well as other forms of suffering, were associated with the grant of compensation. However, once again, the language-focused measures that were introduced in various parts of Canada from the late 1990s onwards were not specifically linked to the apologies. An exception to this decoupling of apologies for cultural damage from state actions to support culture is Norway, where a prime ministerial apology in 1999[13] was followed in 2000 by the creation of a compensation fund for Norwegian Saami communities that included support for language and culture programs (Shelton 2008; Cuneen 2001).[14] Despite the variability across these countries in approaches to its reparability under existing legal rules and political structures, it is clear that language loss is considered a significant form of damage by indigenous peoples, and that there is a growing acknowledgement by state actors as well.

[11] The teaching of traditional languages is also discussed as having a therapeutic role for persons traumatised by those experiences, an aspect that I return in Chapter 4 regarding the content of LRJ.

[12] The report stated that the removals amounted to acts of genocide, an aspect that will be considered further in the chapter that follows.

[13] The King of Norway delivered a state apology to the Saami people in 1997.

[14]Ozaal (2005, 371) refers to two cases, one Australian and one Canadian, in which a loss of culture claim was raised by an indigenous plaintiff but rejected by the court.

It is also possible to find support for reparations for loss of intangible culture by analogy with the clear acceptance of reparations for tangible cultural material (for example: Shelton 2008, 56), as noted earlier. In the last two decades it has become established international practice for sacred relics, ceremonial objects, human remains and so forth to be returned to the communities from which they were taken during periods of European exploration and colonisation, as provided for through mechanisms determined by national legislation or decisions of institutions (principally museums and universities) (Vrdoljak 2008; Phillips and Johnson 2003). Return of appropriated objects is now also required under UNDRIP and various UNESCO instruments. The focus by commentators on tangible things means that the issue of intangible culture is often overlooked. For example, Al Attar et al. (2009) discuss reparations of cultural property, but refer to the loss of intangible elements of culture, including language, only in terms of violation of cultural rights, not as something that can be returned, compensated or atoned for. Nonetheless, indigenous demands for reparation have included claims for protection of cultural property in its broadest sense, and particularly of traditional knowledge, for example in claims by Native American tribes in the US (Shelton 2008, 53). The very recent – and ongoing – development of standards and instruments on the protection of traditional knowledges indicates that intangible culture is something to which a value is attached and therefore capable of giving rise to a duty to make reparations in the event of its destruction or misappropriation.

A rare example of an explicit linking of reparations theory to intangible cultural loss – and in this instance it does happen to be language loss – is found in Dussias (2008). She views some recent approaches from reparations theory as "helpful in thinking about the United States' responsibilities toward Native American languages, such as the "four R's approach" of Yamamoto et al. (2007), which entails:

> "(1) *recognition* of group harms and the historical roots of grievances; (2) acceptance of *responsibility* for healing wounds, whether based on culpability or receipt of privileges and benefits; (3) acts of *reconstruction* to build a new relationship, including apologies, other acts of atonement, and efforts to restructure institutions; and (4) *reparations*, such as education, symbolic displays, and financial support. The "four R's" seem to me to be helpful guideposts for assessing whether the United States has made sufficient efforts to treat Native Americans with justice and promote healing where their languages are concerned. The United States has made some progress with

> respect to each of these dimensions of healing and justice. Most in need of further progress seem to be acts of reconstruction, which should include changes in educational institutions to accommodate language learning, and *acts of reparations, which seemingly should include a more generous and sustained financial commitment to language restoration*." (Dussias 2008, 66; emphasis added.)

Thus, although difficult to find an example in reparations practice to date other than the Guatemalan example cited earlier, there are strong grounds for concluding that language is something that can be damaged and thereby be the basis for a responsibility to provide reparations. This position is supported by the points covered above, namely: support voiced by reparations advocates (including legal scholars and political theorists) for including language as a component of cultural damage in claims by indigenous individuals and groups; the analogy to be drawn from the law (both national and international) and practice in relation to reparations for tangible cultural damage; and the further analogy to be drawn from both practice and theory with respect to recovery of reparations for damage of an intangible nature. The lack of any LRJ-type reparations results to date may bear out the observation by Barkan (2007, 7) that it "is the nature of human interaction that we find it is easier to quantify material loss, and hence most cases of reparation are limited to compensation for material loss."[15]

Is "linguistic damage" the result of a wrongful act?

Reparations by definition are made in order to redress the harm caused by past wrongful acts or omissions.[16] Most scholarship on reparations, particularly from within legal disciplines, discusses reparation as limited to redress for certain kinds of wrongs. Thus for Brooks (2004),

[15]Barkan continues: "Lost education opportunities, political oppression, community breakup, and family disintegration are just some of the glaring examples that are not computed into the reparation equation, but clearly inform the demands for redress". In fact, some these dimensions have been included in some of the more recent plans for reparations for victims of conflict, such as the Guatemalan example noted earlier, and the Colombian *Victims' Law* of 2011 that will be examined in Chapter 6 and 7.

[16]Lenzerini (2008, 16) considers that the act or omission giving rise to a right to reparation may not always be unlawful or improper; rather, it may even be lawful conduct, the effects of which, intended or not, amount to a breach of internationally protected human rights. However, this appears to be limited to recently developed *UN Draft principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities*, and will be considered again in the next chapter.

reparations are solely applicable in situations of "gross violations of fundamental international human rights, such as slavery, genocide, and Apartheid. These wrongs invoke greater moral outrage and…happen less frequently than mass torts…or even everyday incidents of racial or gender discrimination … [and] characteristically arise only in the context of an atrocity." Conquest is associated with widespread commission of such atrocities, and those atrocities certainly resulted, directly or indirectly, in the weakening and extinction of languages, and indeed of culture in general.[17] Thus, if a claim for LRJ is referable to damage inflicted by violent acts of conquest, it is prima facie a damage arising from wrongful acts, and therefore an appropriate basis for reparations. However, this will be complicated by the issue of the lapse of time, which will be considered later in this chapter, particularly in relation to acts that are wrongful in terms of present day laws or standards, but were quite legal and legitimate in the timeframe concerned.

The question is more complex when dealing with periods and places less obviously associated with physical violence. The stolen generations and Canadian residential schools experiences, which generally resulted in the disappearance or deterioration of mother tongue knowledge, bear a range of features – such as coercion, destruction of family ties, physical abuse and psychological trauma – that endow them with a morally reprehensible character in the view of authors such as Alfred (2009), Oxaal (2005) and Hutchinson (2007). Cuneen (2008) describes a series of acts committed by state and federal governments against Aboriginal Australians, not just in the Stolen Generations situations, that equate to "state crime",[18] with cultural loss among the consequences.

In the absence of specific atrocities or abuses, the degree of wrongness is very much in the eye of the beholder when it comes to "ordinary" governance of indigenous peoples by settler states in contemporary times. The continuation of assimilationist policies by governments and of widespread discrimination within society may be widely condemned, but not necessarily considered to be something meriting LRJ measures. However, there are grounds for characterising deliberately assimilationist measures as ethnocidal[19] in nature. If such

[17] The relevant wrongful acts in the Colombian case will be considered in the historical background given in Chapter 5, in relation to the Spanish conquest, the later periods of colonial and post-independence rule, and the contemporary armed conflict.

[18] Indeed, Cuneen views the very foundation of the Australian state as built upon such state crime.

[19]The genocide/ethnocide issue will be considered further in Chapter 3.

measures have indeed impacted negatively on indigenous languages, and there has been no explicit and thorough reversal in more "enlightened" times, it could be argued that the actions and omissions of the state, against the background of continued negative conditions for indigenous language survival, constitute an ongoing course of injustice against indigenous peoples – an injustice that should be addressed through reparative justice. Note that this argument is bolstered if contemporary human rights norms are taken into account, notably with respect to the strengthened obligations borne by states (see Chapter 3) regarding protection of cultural and other rights of indigenous peoples.

If a broader classification of wrongful acts is taken, it is possible to see them as currently ongoing in almost all colonial and postcolonial situations: indigenous communities still marginalised and with basic needs unsatisfied, indigenous cultures subordinated, majority culture and language predominating in all state structures and civic spaces, education still assimilatory even when it purports to acknowledge traditional cultures. Per Vrdoljak (2008), "colonial occupation and attendant dispossession continues to the present-day." Under this approach, there is little difficulty in finding that the state (and possibly churches and corporations) bears a responsibility for ongoing damage to the languages and cultures of indigenous peoples, and therefore owe reparations for that damage. Once again, these acts and omissions breach obligations imposed on states by the international system of human rights law, with steadily escalating levels of responsibility as new instruments are agreed and more exacting interpretations are enunciated. As noted by Cooper-Stephenson (2003), failure to make amends would "convert a historical wrong into an ongoing present-day harm of omission to remedy past injustice."

Note that wrongfulness is not definitively determined by the position of the domestic legal system concerned, and particularly not by the lack of positive outcomes from litigation. Oxaal (2005) and Jacobs (2007, 141) are among those who explain why it has been so difficult for plaintiffs to succeed in negligence or other claims, whether under civil or criminal law, for a range of historic wrongs. Statutes of limitations, evidentiary rules and other procedural requirements tend to be barriers to a recovery in court, without mentioning issues of cost and access. Rather, it is the difficult endeavour of obtaining reparations through judicial systems that makes it more important to seek reparations from the political arena. Indeed, as noted by Shelton (2008, 57), even if court actions do not achieve the reparations that are sought, they may still have value in drawing "attention to the legitimacy or moral

dimensions of the claims at issue", and indeed have often been precursors to favourable legislation or negotiated settlements,[20] or the establishment of truth and reconciliation commissions.[21] Such cases imply the existence of a sufficiently broadly accepted recognition of the innate wrongfulness of the historic acts in question, regardless of their recoverability within the domestic judicial system, which meant that state institutions willingly agree to provide reparations even though they are not legally bound to do so.

The proposed content of LRJ that will be developed in Chapter 4 will anticipate voluntary state action to design and implement reparations programs, possibly prompted by international law standards, but not forced to do so by judicial application of national or subnational laws. Nonetheless, it can be expected that governments will continue to reject LRJ claims just as they have rejected most claims to date, in particular because the acts in question were not illegal under domestic law at the time of commission, with the further excuse of the principle of non-retroactivity of the law (Shelton 2008, 56-57). Given this stance by governments and state institutions, it is appropriate to consider a claim for reparations relating to recent wrongs as a quite separate endeavour from a claim relating to wrongful acts or omissions of an earlier period.

Reparability of damage resulting from relatively recent wrongs

To date, successful claims for reparation have all involved relatively recent events. If not relating to the years immediately prior to the grant of reparations, they have at least been made within the duration of a single human lifetime. Thus it has generally been possible to identify the victims of the harms in question and the persons or entities who perpetrated those harms. If the victims are no longer alive, their immediate descendants will generally be perceived as appropriate beneficiaries of some form of reparation. This then has been the case with the reparations provided to Holocaust survivors and other victims of Nazism (Barkan 2000; Ludi 2008); to Japanese-Americans interned during World War Two (Maki et al.

[20] This was the case of the reparations for Japanese-Americans for wartime internments: failure in court initiated a long process of social campaigning, media visibility and political lobbying that eventual bore fruit (Maki et al. 1999).

[21] Thus, a TRC was a later stage in the process of recovery and reconciliation for the abuses in Canadian residential schools (Pethoukov 2013). TRCs or similar bodies were also responsible for recommending the reparations programs in Peru and Guatemala.

1999); to survivors of dictatorship torture and to family members of people who were killed or "disappeared" in Argentina, Chile and Uruguay (Lean 2003); to Chinese immigrants forced to pay a head tax in early 20th century Canada (Laverne 2007); and to the Mayan Indian communities brutalised during the Guatemalan civil war and the indigenous villagers and others victimised in Peru in the 1980s and 1990s (de Greiff 2006; Rubio-Marín et al. 2009; Correa 2013). It is noteworthy that at the time of commission many of these actions were perfectly legal from the perspective of the state institutions and officials who were implementing them. This absence of illegality *strictu sensu* reminds us that in the field of reparations the criterion of wrongfulness is not dependent on the position at domestic law.

In the case of situations to which LRJ might be applied, some of the wrongful acts or omissions, and the ensuing damage, have certainly occurred within the lifetime of individuals who are alive today, not to mention their immediate descendants. These include situations of violence inflicted by the state's own forces or by paramilitary groups allied to it, such as the Peruvian and Guatemalan examples just mentioned and the ongoing Colombian conflict. Those violent episodes have resulted in death, displacement and social disruption for the indigenous communities and individuals affected, whether they were specifically targeted or were "collateral damage" instead. Further, they had deleterious consequences for indigenous language practices similar to those that resulted from the violences of conquest. The violence is clearly wrongful by standards of international human rights and humanitarian law, and those standards have been legally binding on most states throughout recent decades. [22] The state can be identified as the responsible party for making reparations in any of these cases, as it either perpetrated the violence directly, or established or assisted the paramilitaries who did carry it out, or else it failed to protect the communities from the conflict.

It should not be forgotten that in Latin America there are numerous communities that were only effectively impacted by colonisation in the 20th century, and indeed there are still some communities that are "uncontacted" or in "voluntary isolation" even in the present day (IWGIA 2013). These recently colonised groups have experienced violence from both public

[22] The precise obligations and the length of time they have been owed will depend on the country (for example, the extent to which the state concerned has adopted international conventions and treaties) and on the nature of the action and the wrong. Given that Colombia has tended to sign and ratify most applicable treaties, and at a fairly early stage, it has borne quite extensive obligations for most of the last 65 years, as the next chapter explains.

and private actors, with harmful results for their physical survival as well as their cultural integrity, for which responsibility may be attributed to the state much as it is in the conflict situations mentioned in the previous paragraph.

Not all wrongfulness and damage has been associated with violence. Within living memory there have been non-violent actions taken by state institutions and other actors of non-indigenous society that have deliberately attacked indigenous languages, or deliberately undermined indigenous society so that the languages suffered. These have included the prohibition of native languages in schools established by states or missionaries, and, as a more extreme assimilatory measure, forcing indigenous children to live in boarding schools far from their families, such as the North American residential schools mentioned earlier. The perpetrator institutions are very much identifiable and have legal continuity. Most obviously there is the state, including its various emanations, such as municipal governments, national education ministries and provincial education authorities. There were churches that ran schools and often also had administrative responsibilities in mission territories, as with the Catholic Church in Colombia for the first three quarters of the 20th century (Pineda Camacho 2000). Similarly, there were Evangelical missionaries who strived to dismantle traditional religious practices in previously unproselytised parts of the Amazon from the 1960s to 1980s, with flow-on effects for other cultural elements such as language. Then there were companies that engaged in forms of mineral, forestry, agricultural exploitation without heed for social, economic and cultural well-being of indigenous peoples, at times using violence and usurpation of lands. The "victims" are often still alive, with the impact (the loss of language) almost invariably being most strongly felt by the next generation, so the potential beneficiaries of any LRJ are also clearly identifiable. As for the wrongfulness of the acts and omissions in question, although not always the gross violations of human rights named in my earlier citation from Brooks (2004),[23] they are nonetheless in breach of human rights obligations that have been adopted by the English-speaking settler states, but even more so by Latin American states, cumulatively since 1949, as is explored in the next chapter.

[23] Note that some episodes of exploitation definitely do involve extreme physical violence and do qualify as gross violations – a particularly brutal example being the "Rubber Holocaust" in early 20th century Peru and Colombia, an atrocity discussed further in Chapter 5, which resulted in numerous deaths among the Amazonian Indians victimised by the rubber companies.

A further point to bear in mind is that even if the relevant damage to language or language practices arises from wrongful acts inflicted prior to 1948, or even in previous centuries, a state may be considered to be in violation of the commitments it subsequently acquired (under international treaties, or perhaps even under its own constitutional or legislative provisions) because it has permitted an ongoing situation of language loss to occur, as suggested in the previous section. The continued decline of native language use, or a sudden drop in intergenerational transmission in communities, might be characterised as resulting from omissions by the state that are in breach of its human rights obligations, and therefore may give rise to a claim for reparations. Again, such an interpretation of obligations will be addressed in the next chapter. For now, the key point is that significant language-related damage has occurred in very recent times, within the last generation or so, which makes it far simpler to identify both beneficiaries and the parties responsible for making reparations.

Reparability of damage inflicted on and by prior generations

Without doubt the most contentious cases of potential reparative justice are those relating to events that happened more than a few generations ago, so that neither the victims nor the perpetrators, nor their immediate heirs, are identifiable and existent.[24] Moreover, these are cases that tend to have a greater complexity in terms of the wrongful acts or omissions. Rather than clearly defined and dated actions, reparations focusing on prior centuries, such as those for slavery, are likely to be based upon larger "courses of action" across broad timeframes, rather than on "individual acts or self-contained episodes", and these tended to be "integrated into larger patterns of social and economic life" with "high levels of political and social legitimacy at the time" – all features which do not fit easily with our legal frameworks for redress (Johnstone & Quirk 2012, 157).

Even if it were unambiguously a question of dealing with wrongs done far in the past, with perpetrators and victims and their immediate descendants being long deceased, a large body of work does not see this as an impediment to establishing reparative justice measures. This is particularly the case with texts regarding claims for reparations for slavery (Brooks 2004, Boxill 2003, Brophy 2006, Torpey & Burkett 2010, Valls 2007) and others that focus on reparative justice as a means of achieving reconciliation for social groups in a context tainted

[24] See, for example, Barkan (2000, 336-342).

with the legacy of past injustice, such as other racial minorities, castes and classes (Yamamoto et al. 2007).

However, insofar as older injustices are concerned, critics such as Posner & Vermeule (2003) or Horowitz (2001) allege that there are flaws in the arguments of reparations proponents. These weaknesses include the crudeness of dividing society up into recipient and responsibility-bearing groups. Those groups may have boundaries that are not impermeable, so there is the question of how to classify someone who is mixed black and white, possibly descended from both slaves and slave owners. Assignation to those groups often seems arbitrary – for example, is the child of recently arrived immigrants to bear the same responsibility as someone whose ancestors did indeed own slaves? Further, within those groups there may be significant levels of diversity and divergence, including in economic position, which may call into question the whole exercise of providing reparations as of right, rather than means-tested or needs-tested benefits on a social justice basis. As analysed by Johnstone & Quirk (2012, 159), for claims relating to events in the non-recent past, campaigners tend to imperfectly aggregate injustices committed by one group against another

> "into a collective inheritance that transfers assets and obligations to the modern representatives of the peoples in question. These intergenerational transfers are also usually understood to incorporate continuing legacies of prior injustices, such as contemporary manifestations of social and economic privilege, inequality, discrimination, and/or deprivation. One of the main advantages of this approach is that it offers a way of simplifying the historical record, but it also raises difficult questions about how group membership is defined."

The difficulty in defining group membership means that "discussion of repairing historical wrongs has tended to gravitate towards enduring political institutions, which are held to be responsible for implementing/facilitating serious abuses that can be traced to dominant social formations" (Johnstone & Quirk 2012, 159). Of course, as should already be apparent, this most often means the assignment of responsibility to the state.[25] Deeming the state to be

[25]Note that other institutions might also be identifiable as appropriate responsible parties. For example, for acts undertaken in the 19th century, or the Amazon "Rubber Holocaust" of the first quarter of the 20th century, there is often an institutional or corporate continuity that facilitates the making of a reparations claim. In addition to the enduring nature of the state, the companies that carried out resource extraction without regard for the well-being of indigenous inhabitants may still exist, and most religious bodies – most notably the Catholic Church –

responsible for any reparations is not without controversy, given that the resources required will ultimately come from the broader tax-paying public. There are two main responses to this challenge. Firstly, it is standard in international human rights law, and indeed domestic law, to regard the state as the responsible party for providing all manner of remedies, including many cases of omission rather than commission.[26] Secondly, the fact that the "state" receives its funds from the "people" is not perhaps a factor against the application of the principle of reparative justice, but rather one to be taken into account as a parameter when LRJ measures are being designed and implemented.[27] Those seeking reparations may also argue that those who most contribute to state revenue are also those who have most benefited from the legacy of historic injustice, such as large landholders, and it is therefore appropriate that they pay the cost of reparations.

One of the most strongly voiced philosophical arguments against reparations for injustices committed more than a few generations ago is found in the "Supersession Thesis" advanced by Waldron (1992), who argued against applying reparative justice if changed circumstances because of intervening events would mean that reversing one injustice would create another. Waldron was careful to distinguish such a situation from the mere passage of time. He illustrated supersession through the example of subsequent generations of settlers having become established on conquered lands – if returning lands meant evicting those people, a

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are still in existence. Such companies, associations, religious orders or churches may be suitable targets for reparations campaign in the political arena, even if the judicial system would regard any attempted court actions to be time-barred. Churches would receive particular attention if there were claims for LRJ by indigenous peoples, as missions and church-run schools were prime loci for the imposition of colonial languages on native communities.

[26] For example, under the *Draft Articles on the Responsibility of States for Internationally Wrongful Acts*, the state is responsible for all actions of its officials and organs, even if the organ or official is formally independent (art. 5) or acting ultra vires (art. 7). Persons or entities not classified as organs of the state may be imputable when they are otherwise empowered to exercise elements of governmental authority, and act in that capacity in the particular instance; while persons or entities not performing public functions may also be imputable if they in fact acted under the direction or control of the state (Art. 8).

[27] Magarell (2009, 13) notes regarding cost: "There are real constraints on societies in post-conflict settings and important competing priorities for scarce resources. The way the state balances these competing priorities will reflect the nation's commitment to reparations. Political will and adequate planning for implementation over time can overcome resource and other constraints to some extent."

fresh injustice would be committed.[28] But language is not like occupied land, nor any other uniquely identifiable material object. Returning knowledge of a language to those who have lost it does not mean taking a language away from a group that has arrived to the territory later.[29] Consider Hutchinson (2007, 444), addressing culture more generally: "Although restoration of culture is obviously difficult in the sense that culture is largely comprised of intangible "things," the very nature of its composition renders it less susceptible to Waldron's theory. It is unlikely there is any possible altered circumstance that could allow the historical injustice of cultural appropriation to be superseded."

In summary, although it would be more significantly more difficult to establish a legal obligation to provide reparations for linguistic damage caused by wrongful acts in the distant past than it would be for recent unjust acts, the difference is less pronounced in terms of a moral or political obligation.

Which form of reparation is most suited to language?

Most commentators on the theory and practice of reparations do not diverge greatly from the four-fold division of the available forms of reparation that is employed within international law:

a) Restitution – measures to re-establish victims to their *status quo ante*;
b) Compensation – quantification of harms, including economic, physical and mental harms
c) Rehabilitation – provision of social, medical and psychological care.

[28]Waldron's thesis is less applicable to those tracts of conquered land where a return to indigenous control would not necessitate individual evictions, let alone ethnic cleansing, because they are not actually inhabited by the settler descendants. With respect to such lands (and indeed to inhabited ones as well), as elaborated by Sanderson (2011, 180-182), it is possible to explore creative ways to share resources, revenues, authority and forms of jurisdictions.

[29] Under LRJ the later arrivals, and their descendants, would directly or indirectly (through taxes and other payments to the state) contribute some of their resources to the funding of LRJ measures, but they would not be evicted from their lands, nor dispossessed of their culture.

d) Satisfaction (and guarantees of non-recurrence) – measures including official apologies and disclosure of truth, return of remains, punishment of perpetrators, institutional reform.

(de Greiff, 2006)

I propose that LRJ is most reasonably characterised as a form of restitution (Todd 2013). Under international law principles, reparation must be adequate and effective. Lenzerini (2008, 13-15) views restitution as inherently the most effective and the most adequate form of reparation, and that for indigenous peoples this has generally involved the return of ancestral lands[30] or objects of religious or cultural significance. Lenzerini then opines that compensation is generally inadequate and ineffective to address the harm suffered by indigenous peoples "on account of the limited value that economic assets usually have for these peoples" (at 15). Although some may object to his generalisation, practical experiences in recent decades do demonstrate that indigenous claims regarding traditionally occupied lands, sacred sites, sacred objects, human remains and other culturally important objects have tended to seek full restitution, that is, a return of the land or object in question, and not the transfer of some alternative or a monetary compensation.[31]

While we do have such evidence on the stance of indigenous communities towards tangible things, it is harder to make a definitive statement regarding any comparable indigenous consensus on the return of something that is intangible, like language or cultural practices. Nonetheless, provided that the appropriate caveat is made, it is reasonable to extrapolate that there would be at least a preference for the restitution of intangible things as well, given the consistency with which indigenous accounts of past injustice and assertions of rights address issues of culture. In any event, rather than driving a requirement that LRJ be delivered as restitution, such an extrapolation would merely be predictive. It would be indicative of the likely form such reparation would take, but not conclusive, because adherence to the

[30] In its general recommendation on discrimination and indigenous peoples, CERD (1997) states that the priority should be return of a community's ancestral lands, and only when that is "for factual reasons not possible" should restitution be substituted by compensation, and preferably of alternative lands. Note that language-related restitution lacks some of the problems associated with land restitution, for example the singling out of certain landholders as targets of property acquisition (Fay & James 2009, 18).

[31] See, for example, the cases cited by Shelton (2008, 53-56).

principle of prior and informed consent[32] would mean fashioning LRJ measures in accordance with the view of the particular community in question. It is possible that members of a community with experiences of poverty and conflict may prioritise attending to pressing necessities of physical survival over a non-material form of reparation, and would therefore prefer to receive compensation in lieu of measures to support language.

However, there are many reasons why the designers of an LRJ program would consider it prudent to avoid having compensation as an option. One is simply the extreme difficulty of devising a way of quantifying a value for lost language heritage and practices. The challenges of any quantification attempt might be enough to sink the overall LRJ effort. Moreover, payments to individuals are more likely to lead to tension and strife within a community. For example, Gómez (2008, 158) outlines the complications associated with pecuniary reparations in an environment of poverty, which can have negative effects for social networks. In contrast, the collective nature of most LRJ measures means they would accord with the concept of indigenous rights embraced by UNDRIP, other international law instruments[33] and indigenous movements. This emphasis on collective rights is most clearly manifested in court judgments and pro-indigenous land reforms that favour recognition of communal land holdings over grants of land to individuals.

While reparations programs and proposals have also been criticised for promoting a victim psychology (Shelton 2008, 58), it is possible that restitutionary language-targeted measures would be less open to this criticism. For example, LRJ beneficiaries would need to invest large amounts of time and energy into maintaining or reviving their languages – they could not be accused of getting something for nothing. LRJ as restitution would also avoid accusations that the recipients are free-riders, which is a claim encountered with the provision of group-delineated benefits in developing countries, as seen with cases of "re-ethnification"

[32] This principle, shown in Chapter 3 to be a crucial element in the contemporary understanding of indigenous rights, is built into the LRJ framework elaborated in Chapter 4.

[33] As noted by Lenzerini (2008, 16-17), international law principles regarding reparations for gross violations of human rights require states to make adequate provision for groups to obtain collective reparations. The 1997 report of the UN Special Rapporteur that recommended those principles noted that most "gross violations [of human rights] inherently affect rights of individuals and rights of collectivities… This coincidence of individual and collective aspects is particularly manifest with regard to the rights of indigenous peoples" (UN doc. E/CN.4/Sub.2/997/20/Rev.1 para 40 cited in Lenzerini 2008, 17).

in Colombia (Gow & Rappaport 2003; Chaves & Zambrano 2006). This is the phenomenon whereby individuals or groups announce a previously unpublicised indigenous identity, which critics allege to be motivated by the desire to gain funds, services or positions that are available for indigenous community members but not to non-indigenous peasants. Rather, the only way to benefit from LRJ measures delivered in this form would be to have some prior knowledge of the language or a willingness to invest the time and effort needed to gain such knowledge.[34] Thus, benefitting from LRJ measures would depend uniquely upon participating in the community, its social ties and its traditional cultural practices – it would be of no benefit to so-called interlopers. The often vexed issue of who has a legitimate claim to indigenous identity would not be so problematic in this instance.

Johnstone & Quirk (2012, 160) note that the complexities of righting historical wrongs often mean that restoration of a prior condition is rejected as impracticable, and the only remedies considered are financial compensation and collective atonement such as apologies and memorials. Hutchinson (2007) views restoration of the "language, customs and traditions" lost by residential schools survivors as "difficult to envision … impractical if not impossible". However, in the case of LRJ, the temptation to put restitution in the "too hard basket" can be avoided by understanding that restitution of a moribund language need not mean an attempt to return to the status quo ante, but rather the restoration of some place for that language in the modern community, used alongside the colonially imposed language. As shown by the model developed in Chapter 4, restitution is always a possibility where there is still a record of the lost cultural aspect, certainly in the case of a language that is still spoken by others. Restitutionary measures would not necessarily mean recreating the past in the sense of a complete abandonment of the colonially imposed language, but instead a restoration of some role for the traditional language in the life of the community.[35] Thus,

[34] Nonetheless, the risk of unscrupulous use of LRJ measures cannot be excluded. For example, if LRJ efforts involve funding for cultural celebrations, or the allocation of awards and appointments, there may be individuals who find that to be sufficient reason to become "inauthentically" involved.

[35]This accords with the definition of reparative justice proffered by Lenzerini (2008, 13): "All measures aimed at restoring justice through wiping out all the consequences of the harm suffered by the individuals and/or peoples concerned as the result of a wrong, and at re-establishing the situation which would have existed if the wrong had not been produced are thus suitable of being considered as reparations." The "situation which would have existed" is to be distinguished from a return to a status quo ante. As pointed out by Butt (2012), we can develop an idea of what that situation would be by positing a counterfactual world in which there were equal and harmonious relations between indigenous and non-indigenous nations, rather than a counterfactual in which

depending on the condition and the preferences of the people, the ancestral language could, for example, just be restored to use for religious purposes or for events of cultural significance. Restitutionary LRJ measures would also encourage a range of other activities that would promote social harmony and cultural integrity, such as spending time with the elderly in order to learn from their linguistic and cultural competence, or child-raising in a way that ensures immersion in the native language.

One important objection likely to be raised against LRJ is the huge cost to society regarding the expenditure needed to bring back a lost or disappearing aspect of culture, and even the opportunity cost of school children not learning 'useful' modern languages or those teachers being taken away from other socially useful activities. Given the precedents from New Zealand, where complaints have often been made about the cost of measures to favour Maori (May 2012), and Canada, where there has long been opposition from Anglophones to expenditures for federal bilingualism, cost-based objections to LRJ could be expected to arise even in Australia or North America. If this can be problematic in some of the world's richest countries, political hostility is even more likely in the very different economic circumstances of Colombia. However, these costs are perhaps best classified as factors to consider when devising and implementing a program of reparative justice, which will shape what the state can propose and deliver. They need not be seen as fresh injustices committed against other parties by redirecting funds from them – such a result does not compare with being evicted from homes and livelihoods. Thus I deal with cost issues in Chapters 4 (that is, regarding content of LRJ in general) and 7 (evaluation of LRJ in the Colombian context).

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the indigenous peoples remained exactly as they were five centuries ago – and both in distinction to the current circumstances, result of an unequal and brutal encounter between nations.

CHAPTER 3

INTERNATIONAL LAW FRAMEWORK REGARDING LANGUAGE PROTECTION, LANGUAGE RIGHTS AND REPARATIONS

Whereas the preceding chapter built a moral and political case for providing reparations for linguistic damage, the present chapter is devoted to exploring the case for a legally-required LRJ by evaluating international law commitments. It evaluates the extent to which states, particularly Latin American ones like Colombia, may be liable to provide LRJ for their failures to fulfil international law obligations to respect indigenous peoples' rights to their languages and to take actions to protect those languages.

This chapter commences by examining the international legal norms that charge states with obligations in relation to indigenous languages. In anticipation of Part B's Colombian case study, this analysis emphasises the obligations imposed upon Colombia and other Latin American states through their adherence to a range of binding international and inter-American agreements in the fields of human rights law, indigenous rights law and cultural protection. It illuminates the interpretations of those documents' provisions made in commentaries by UN treaty bodies and in the jurisprudence of national and supra-national courts. Referring to those same international instruments as well as to general principles of international law, the chapter then considers whether states could be required to provide some form of reparations for failures to discharge obligations related to indigenous languages. It concludes that contemporary understandings of the relevant state obligations do support a responsibility to provide LRJ for not complying with them, at least with respect to acts and omissions of recent decades.

Taking note of decisions of the Colombian Constitutional Court and the Inter-American Court of Human Rights (IACrtHR) that have ordered language-related reparation for state breaches of human rights obligations, the chapter finds that evolving concepts of indigenous rights may mean either of those courts would be sympathetic to a future LRJ claim. Further, given its advanced level of commitment to the system of international and regional human rights norms, combined with its scenario of armed conflict, Colombia stands out as a suitable setting for a legally-required LRJ claim at a national level.

International legal instruments addressing language and culture

Since the watershed year of 1948, the expanding system of human rights treaties and other international legal instruments has resulted in the recognition of a range of rights and concomitant states obligations of relevance for this thesis. The relevant dispositions in international law instruments variously: refer to language directly; address participation in cultural life and cultural identity[36]; aim to conserve cultural diversity and heritage; protect freedom of expression, which can be interpreted to include use of a particular language[37]; or concern education, which can touch upon issues such as rights to commence education in one's mother tongue, questions of linguistically and culturally appropriate teaching, and community control of schools as a manifestation of self-determination and rights to maintain cultural identity.[38]

In the Americas, the instruments developed under the auspices of the United Nations and its agencies have been augmented by a series of inter-American documents.[39] The relevant international and inter-American instruments that are legally binding for the states that have ratified them are the conventions, covenants and treaties listed below in Table 1. For Colombia, the date from when those the obligations contained in each instrument became binding is the later of the years indicated for ratification and entry into force.

Table I. Binding instruments of relevance to language and culture.

Title of treaty or convention	Ratified by Colombia	Entry into force	Relevant articles

[36] Noting that language is treated as a fundamental part of culture by commentaries on the international norms made by UNESCO, CESCR and other UN bodies. See, for example, CESCR 2009b.

[37] As confirmed by the IACrtHR in *López Álvarez vs Honduras* (2006), which construed the right to expression in ACHR art. 13 as including a right to speak in one's native language.

[38] As noted by Arzoz (2009), UNESCO lists 44 international and regional legal instruments as dealing with linguistic rights.

[39] Other regional systems of instruments regarding languages and cultural rights, such as the African and especially the various European systems, are not specifically included in this account for reasons of space and in order to facilitate the focus on Colombia in the second part of this thesis.

Convention on the Prevention and Punishment of the Crime of Genocide, 1948 (Genocide Convention)	1959	1951	2
Convention against Discrimination in Education, 1960 (CADE)	No	1962	1, 2, 5, 6
ILO Convention 107 on the Protection and Integration of Indigenous and other Tribal and Semi-Tribal Populations in Independent Countries, 1957 (ILO 107)	1969	1959	21, 23, 26
International Covenant on Civil and Political Rights, 1966 (ICCPR)	1969	1976	2, 13, 14, 19, 27
International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR)	1969	1976	2, 13, 15, 26
International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (ICERD)	1981	1969	2, 5, 6, 7
American Convention on Human Rights, 1969 (ACHR)	1973	1978	1, 8, 13
Additional Protocol to the American Convention on Human Rights in the area of Economic, Social, and Cultural Rights (Protocol of San Salvador), 1988 (PSS)	1997	1999	3, 13, 14, 16
ILO Convention 169 on Indigenous and Tribal Peoples, 1989 (ILO 169)	1991	1991	2, 3, 4, 26, 27, 28, 30
Convention on the Rights of the Child, 1990 (CRC)	1991	1990	2, 17, 28, 29, 30, 40
UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, 2003	2008	2006	1, 2, 3, 11, 12, 13, 14, 15, 19
UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005	2013	2007	1, 2, 4, 5, 6, 7, 8, 10, 11, 12, 15, 17

Colombia has been an active participant in the development of this normative system, signing and ratifying almost all of the applicable instruments,[40] and often at an early stage.[41] Thus it has a relatively high burden of binding international legal obligations – more so than Australia, for example, which has never signed ILO 107 or ILO 169, in addition to being outside the reach of the inter-American instruments. Additionally, Colombia's Constitutional Court has determined that the key human rights instruments – including ICCPR, ICESCR, ACHR and ILO 169 – stand alongside the actual text of the1991 Constitution as part of what is termed the "block of constitutionality".[42] By virtue of that principle, the rights and obligations in the conventions and declarations thus identified are given the same juridical status as the rights and obligations of the 1991 Constitution.

The proliferation of these binding instruments has been accompanied by a string of declarations approved in the UN General Assembly, the UNESCO General Assembly, or other comprehensive gatherings of states. A number of the relevant declarations were forerunners to later conventions or treaties, like CRC and ICERD, whilst others have a narrower focus, such as the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* of 1992, which elaborates on the ICCPR provisions on minority group members.[43]

Table II. International and inter-American declarations relevant to language and culture

[40] A major exception is CADE, which Colombia has never signed, let alone ratified. Nearly 100 countries have accepted this convention, including the majority of those in Latin America. CADE forbids discrimination in education, and recognizes in its art. 5(1)(c) the right of minority members "to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language." CADE is also used as guidance by UN bodies considering other instruments, e.g. CESCR (1999).

[41] For example, Colombia was the second state to ratify the ACHR.

[42] In Spanish: *bloque de constitucionalidad*. This status was settled by the Court's decision C-578 of 1995, applying Article 93 of the 1991 Constitution – see Chapter 5.

[43] As well as affirming rights to use language and participate in cultural life, this declaration requires states to take measures to: create favourable conditions for minority members to express their characteristics and develop their culture and language; provide adequate opportunities for learning their mother tongue or to have instruction in it; and encourage knowledge of the language and culture of minorities within the field of education.

Title of declaration	Year	Relevant articles
American Declaration of the Rights and Duties of Man (ADRDM)[44]	1948	2, 4, 12, 13
Universal Declaration of Human Rights (UDHR)	1948	2, 19, 26, 27
Declaration on the Rights of the Child	1959	17, 28, 29, 30, 40
Declaration on the Elimination of All Forms of Racial Discrimination	1963	2, 3, 4, 8
Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities	1992	1, 2, 4
Vienna Declaration and Program of Action, World Conference on Human Rights	1993	19, 20, 26, 27, 31
UNESCO Universal Declaration on Cultural Diversity	2001	1, 2, 3, 4, 5, 6, 7, 12
United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)	2007	3, 7, 8, 11, 13, 14, 15, 16, 31

Although declarations are normally treated as merely persuasive rather than binding legal documents, the UDHR is considered to have acquired the character of *jus cogens* – that is, a non-derogable norm of customary international law. Similarly, the ADRDM has been held to be a binding source of obligations for members of the Organisation of American States (OAS) since at least 1977, and probably since the ACHR was agreed in 1969.[45]

[44] This instrument built on the foundation of the 1945 *United Nations Charter*, art. 1(3)3 of which committed the new body to achieving "international cooperation in solving international problems of an economic, social, cultural, or humanitarian character" and promoting respect for human rights "without distinction as to race, sex, language, or religion."

[45] The evolving jurisprudence and state practice regarding the status of the ADRDM is summarised in *Advisory Opinion OC-10/89*, July 14, 1989, Inter-Am. Ct. H.R. (Ser. A) No. 10 (1989), an opinion requested by Colombia.

Moreover, Colombia's Constitutional Court has explicitly stated that these two declarations – the foundational texts on which the international and inter-American human rights systems are respectively constructed – also fall within the "block of constitutionality" referred to above. Thus, since 1991 the legally binding quality of the commitments expressed in the UDHR and ADRDM with respect to Colombia is beyond challenge.

Relevant rights and obligations with binding status for Colombia

As the international and regional systems of human rights norms have evolved, there has been a corresponding increase in the number and scope of the rights and obligations possessing a binding legal force for Colombia.[46] The summary that follows is based on the year in which Colombia became bound by an instrument containing a disposition providing for the indicated right or obligation.[47] As the declarations, with the exception of UDHR and ADRDM, are not sources of legally binding obligations, they are not included in the summary that follows. However, it should not be forgotten that they play a significant role in the formation of general international standards, and are frequently cited in the statements of the UN treaty bodies regarding interpretation of the binding instruments.

Rights and obligations binding Colombia since the 1960s

As noted, the UDHR and ADRDM both date from 1948[48], but it cannot be sustained that they were immediately sources of binding obligations. There is no consensus regarding precisely

[46] These sections appeared in summarised form in Todd (2013). See Gafner-Rojas (2008) and Gafner-Rojas (2012) for further discussion regarding these instruments and Colombia's commitments under them.

[47] As noted earlier, treaties are binding from the later of the date of ratification and the time of entry into force. Note that the list includes ILO 107, which no longer applies to Colombia. Signatories to ILO 107 are considered to make an automatic renunciation of it at the moment they sign ILO 169. Thus, Colombia was bound by the obligations of the former instrument from 1969 until 1991.

[48] As it happens, the "birthplace" of the ADRDM was Colombia: it was adopted Ninth International Conference of American States in Bogotá in April 1948, which also saw the founding of the Organisation of American States (OAS). That conference was underway when the presidential candidate Jorge Eliécer Gaitán was assassinated, setting off waves of violence that ultimately transformed into the contemporary armed conflict, as will be explained in Chapter 5. Thus, the age of human rights law neatly coincides with Colombia's modern conflict.

when the UDHR was elevated to the status of customary law, but if this status was not achieved by the time ICCPR and ICESCR were created in 1966, it was certainly fixed by the time those covenants came into force in 1976.[49]

Provisions of the UDHR and ADRDM established the following:

- Right to expression[50]
- Right to participate in cultural life[51]
- Right to education[52]
- State obligation to ensure to everyone the rights specified in the instrument, without discrimination on grounds of, inter alia, race and language.[53]

Although these are prima facie very general rights, the UN treaty bodies charged with monitoring later instruments that repeat these rights, such as ICESCR and ICCPR,[54] have tended to interpret them in a broader way than the plain text would suggest (Donders 2008).[55]

Rights and obligations binding Colombia since 1969

Ratification of ILO 107 meant Colombia became part of the relatively small group of countries, chiefly in Latin America, that accepted this instrument – it is noteworthy that the

[49] Arguably UDHR had the force of binding international law from at least the passing of a resolution of the International Conference on Human Rights held in Teheran, Iran, in 1968. See von Bernstorff (2008) regarding scholarly discussion of this aspect.

[50] ADRDM art. 4, UDHR art. 19. This was later reinforced in ICCPR art. 19, ACHR art. 13.

[51] ADRDM art. 13, UDHR art. 27. Reinforced in ICESCR art. 15, PSS art. 14.

[52] ADRDM art. 12, UDHR art. 26. Later in ICESCR art. 13, CRC art. 28, ILO 107 art. 21, PSS arts. 13 and 16, ILO 169 art. 26.

[53] ADRDM art. 2, UDHR art. 2. Later in ICCPR art. 2, ICESCR art. 2, ACHR art. 1(1), PSS art. 3, ILO 169 art. 3, CRC art. 2(1). ICCPR also included the obligation to guarantee equal and effective protection against discrimination on the stated grounds, in its art. 26. Moreover, ICERD arts. 2, 5 and 7 reinforce state obligations regarding non-discrimination.

[54] The UN bodies responsible for monitoring the ICESCR and ICCPR are respectively the Committee for Economic, Social and Cultural Rights and the Human Rights Committee, both discussed later in this chapter.

[55] And indeed, in a broader way than was intended by the 1948 drafters. For example, Donders shows (at 244) that the *travaux préparatoires* of the UDHR regarding the right to culture reveal an understanding of "culture" as pertaining to elite forms of art, music and literature.

English-speaking settler states of Australia, Canada, New Zealand and the United States have never adopted either of the ILO conventions. Although it came to be widely criticised for its orientation in favour of assimilation of indigenous communities into mainstream society (Rodriguez-Piñero 2006), ILO 107 was a trailblazer in terms of international recognition of indigenous rights.

The indigenous language-related responsibilities borne by Colombia during its period of adherence to this convention are:

- State obligation to have indigenous children taught to read and write in their mother tongue[56]
- State obligation to take measures to preserve indigenous languages[57]
- State obligation to inform indigenous populations of their rights and duties, via native languages if necessary.[58]

[56] Under ILO 107 art. 23(1), indigenous children "*shall be taught to read and write in their mother tongue or, where this is not practicable, in the language most commonly used by the group to which they belong*" – which implies that the use of the ancestral language to introduce literacy is not necessary when it is no longer the mother tongue of the children in question. Art. 23(2) reveals the assimilationist intent for which this convention became widely criticised: "*Provision shall be made for a progressive transition from the mother tongue or the vernacular language to the national language or to one of the official languages of the country*." The concession in favour of initial use of the native language is understandable given that the convention was drafted soon after the 1953 UNESCO report establishing the importance of using the mother tongue as medium of instruction for the first years of education.

The successor instrument recast these obligations somewhat. ILO 169 art. 28(1) provides that indigenous children "*shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective*" – demonstrating the revised instrument's emphasis on indigenous self-governance and its framing of these rights as collective in nature. Its softening of ILO 107's assimilationism is also shown by art. 28(2): "*Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country*."

[57] ILO 107 art. 23(3) provides: "*Appropriate measures shall, as far as possible, be taken to preserve the mother tongue or the vernacular language*". This obligation was strengthened in several respects by ILO 169 art. 28: "*Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.*" Subsequently the *Convention for the Safeguarding of Intangible Cultural Heritage*, ratified by Colombia in 2008, confirmed the obligation to protect languages, which are specifically included in the definition of that heritage.

Rights and obligations binding Colombia since 1976

The entry into force of the ICCPR and the ICESCR in this year,[59] as well as reinforcing the provisions of the UDHR, added the following new elements to Colombia's legal responsibilities:

- Right of accused to interpreter[60]
- Right of indigenous or minority group member to enjoy the group's culture and use their language[61]
- State obligation to conserve, develop and diffuse culture.[62]

As will be seen, the culture-focused provisions ICCPR Article 27 and ICESCR Article 15 can be considered key sources of state responsibility for minority (i.e., not specifically indigenous) language rights generally as a result of the interpretations given by their respective UN monitoring bodies.

The entry into force of the ACHR in 1978 did not impose any additional obligations on Colombia regarding indigenous language or culture; rather, it reinforced what had already been enunciated in existing instruments. However, the ACHR provided for the establishment

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[58] Specifically, "*by means of written translations and through the use of media of mass communication in the languages of these populations*", and in a culturally appropriate way: ILO 107 art. 26, repeated in ILO 169 art. 30.

[59] Although note that, as Table I shows, although not legally bound, Colombia committed to these obligations in 1969, when it ratified both covenants.

[60] ICCPR art. 14; reinforced by ACHR art. 8, CRC art. 40. Note: this right is understood to be a procedural right, essential for fairness to the accused. Thus, the European Court of Human Rights has held that a minority group member who is fluent in the language of the court cannot insist upon an interpreter into his/her minority language (de Varennes 2007).

[61] ICCPR art. 27, reinforced subsequently by CRC art. 30. While the CRC specifically mentions children belonging to indigenous peoples in addition to use of the term "minorities", the ICCPR refers solely to "ethnic, religious or linguistic minorities". Indigenous organizations have strongly argued that they need to be considered separately from ethnic minorities. However, this does not prevent analysing instruments that refer to minorities as prima facie applicable to indigenous peoples; rather, it means treating those instruments as a starting point, and looking to indigenous-specific norms for additional rights or obligations. The UN Human Rights Committee refers to indigenous peoples when analyzing ICCPR obligations regarding minorities, see e.g. its *General Comment 23* regarding art. 27.

[62] ICESCR art. 15.

in 1979 of the IACrtHR to enforce and interpret its own provisions, alongside the pre-existing Inter-American Commission for Human Rights (IACHR). As will be explored later in this chapter and in Chapter 5, the IACrtHR has stood out for its progressive jurisprudence and has had a strong influence on the development of human rights law and practice in Latin American countries (Pasqualucci 2006). Colombia is among the states that accept the full jurisdiction of the IACrtHR's adjudicatory function, increasing the court's impact on legal doctrine and governmental actions.

Rights and obligations binding Colombia since 1991

Without doubt the transformative moment for the political and legal position of Colombia's indigenous peoples occurred in 1991, when the country adopted its new "multicultural" constitution in addition to ratifying ILO 169. As will be explored further in Chapter 5, the 1991 Constitution has its own provisions that commit the state to respecting a range of key indigenous rights, in a way that aligns closely with the provisions of ILO 169. Chief among these are rights to self-government, to maintenance of traditional legal systems, to prior consultation, and to a voice regarding education in their communities. As previously noted, the stage was also set for the according of constitutional equivalence to the provisions of the main human rights instruments, including ILO 169.

The relevant new obligations established by ILO 169 and by CRC, which was also ratified by Colombia in that year, are:

- State obligation to take measures to safeguard the cultures of indigenous peoples and to promote the full realization of their cultural rights while respecting their cultural identity and traditions[63]
- State obligation to orient education to teach child respect for his/her identity and language[64]
- State obligation to encourage media to take into account the linguistic needs of an indigenous or minority child.[65]

[63] ILO 169 arts. 4 and 2. Additionally, art. 28 contains the obligation to give a role to indigenous peoples within their communities education and art. 27 that of incorporating their knowledge and cultural aspirations in educational programs.

[64] CRC art. 29.

[65] CRC art. 17.

Most instruments addressing relevant matters introduced since 1991 (at least at international and inter-American levels) have been declarations. The exceptions are two conventions of UNESCO. The *Convention for the Safeguarding of the Intangible Cultural Heritage*, binding on Colombia since ratification in 2008, requires states to take steps to protect languages, which are specifically listed in the definition of such heritage.[66] However, the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (only ratified in 2013), speaks of encouraging and facilitating actions by states, rather than mandating them. Both have already had an influence on the evolving understandings of other instruments (as has UNESCO General Assembly's 2001 *Declaration on Cultural Diversity)*.[67]

Negative and positive obligations

The summaries above indicate that over recent decades states parties to the gradually expanding set of international instruments have been, in theory, charged with a gradually increasing set of obligations, both negative and positive in nature. Negative obligations refer to the state refraining from taking any action that will impede the exercise of a right; for example, it should not prohibit the use of a minority language. In contrast, positive obligations denote actions to facilitate the exercise of a right, such as expenditure on school construction so as to ensure enjoyment of the right to education.

Until the mid-twentieth century, and sometimes later, it was not uncommon for minority languages to be prohibited in certain domains. The example of North American Indian residential schools has already been given, but there is also abundant attestation of punishments being applied in European schools to students who uttered words in a minority language, such as Welsh or Breton (Edwards 2010; Nettle & Romaine 2000). However, in more recent decades most Western states have tended to be more tolerant of cultural diversity and not place explicit prohibitions on language-related rights. Similarly, contemporary Colombia has generally discharged its negative obligations: that is, it does not impose

[66] Art. 2(2)

[67] See in particular CESCR (2009b) in its interpretation of the right to participate in cultural life, which relies heavily on the conventions, declarations and other statements emanating from UNESCO.

restrictions on the right to use an indigenous language.[68] This has particularly been the case since the paradigm shift in 1991 in indigenous peoples' legal and political (and indeed, social and cultural) status.

However, even a glance at the summaries above suggests that state parties to these instruments have to do more than refrain from interfering with the freedom to use languages. Even from an early stage, it was already apparent that they faced obligations to take some positive actions. When we look at the commentaries made by courts and international bodies regarding the application of these instruments, this aspect will become even clearer. Chapter 5 will show that although Colombia has increased its efforts towards fulfilment of its positive obligations, it has – like its Latin American peers, and like the English-speaking settler states – fallen short of what the key instruments on human rights and culture require in terms of negative obligations.[69]

Post-2007: Impact of the UN Declaration on the Rights of Indigenous Peoples

Most recently, the General Assembly's approval of UNDRIP in 2007 can be viewed as ushering in a new era of strengthened indigenous rights – both individual and collective in nature – and expanded state duties.

UNDRIP calls for states to "take effective measures", inter alia: to protect a broad right to use indigenous languages and "to ensure that indigenous peoples can understand and be

[68] In 1994 the Constitutional Court invalidated an attempt to restrict political radio broadcasts in one department – see Chapter 5.

[69] Note that the binding instruments discussed exist alongside international standards in documents that are not binding but may nonetheless have an influence. These include: *UN General Assembly Resolution 56/262 of 2002*, urging member states and the Secretariat to promote the preservation and protection of all languages; *Recommendation on the Promotion and Use of Multilingualism and Universal Access to Cyberspace* (adopted by the 2003 UNESCO General Conference); UN Secretary-General's Report on 58th Session (2003), on measures to protect, promote and preserve all languages; and the *Geneva Declaration of Principles*, agreed by the World Summit on the Information Society in 2003, which emphasizes (Paragraphs 52 and 53) the promotion of linguistic diversity. Two other documents confirming and building upon the rights and obligations already cited are: the *Universal Declaration of Linguistic Rights*, made in 1996 under the auspices of UNESCO by experts and non-state interested parties; and the *Fribourg Declaration on Cultural Rights* of 2007, also the result of UNESCO cooperation.

understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means";[70] "in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language";[71] to ensure that publicly owned media "duly reflect indigenous cultural diversity" and encourage private media similarly.[72] Other relevant rights include: to self-determination of cultural development; to maintain, control, protect and develop cultural heritage, traditional knowledge and traditional cultural expressions; to practise and revitalize cultural traditions and customs; "to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information"; and not to be subjected to genocide or violence, including forcible removal of children to another group, or to forced assimilation or destruction of culture.[73] Importantly, a number of articles require the state to provide redress for various ethnocidal actions, which will be considered below.

At the very least, UNDRIP will accelerate the consolidation of customary international law regarding indigenous rights (Anaya 2004). Indeed, UNDRIP was already playing that role soon after its first appearance as a draft text in 1994, and reference to the draft provisions was made by both the IACrtHR and the IACHR (Rodriguez-Piñero 2011).

The future impact of UNDRIP will partly depend on the extent to which can be considered to have the status of binding international law, rather than the merely persuasive force that most declarations have. There is currently a considerable divergence of views regarding the status of UNDRIP (Allen 2011). Currently, only a few observers regard it as legally binding as a whole (such as Bacca 2011). The more cautious view, and the one generally voiced by governments, accepts that many of its articles are reflective of existing international law, but not all of them (International Law Association 2010). Even if widespread state practice

[70] UNDRIP art. 13; the right referred to is "to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons."

[71] UNDRIP art. 14, which confirms the collective right to have control of educational institutions that provide culturally appropriate education in their own languages.

[72] UNDRIP art. 16.

[73] Respectively, UNDRIP arts. 3; 31; 11; 15; and 7 and 8.

comes to normalise adherence to UNDRIP principles, individual principles may fail to become binding for "state objectors" (Wiessner 2011).

However, there appears to be an accelerating tendency to regard UNDRIP in its entirety as reflective of indigenous rights norms. This is particularly the case within the inter-American system: as noted by Rodriguez-Piñero, the IACrtHR and the IACHR are seen to "have promoted an intuitive reading of the UN Declaration as an authoritative statement of the international common understanding of the content of the rights of indigenous peoples in modern international law", regardless of UNDRIP's technical status as non-binding (2011, 469). The UN Permanent Forum on Indigenous Issues supports this view, and the UN Special Rapporteur on the Rights of Indigenous Peoples announced in 2008 that he would use UNDRIP as the yardstick for evaluating the actions of states with respect to their indigenous communities (Wiessner 2011). Increasingly, other UN agencies and other international actors are adapting their own policies and practices to fit with the specifications of UNDRIP (De Alba 2009; Charters 2009).

Applicability of the Genocide Convention

UNDRIP's relationship of "mutual reinforcement" (Rodriguez-Piñero 2011) with other instruments may increase the possibility of holding states responsible for genocide in situations of cultural destruction. Hitherto, the potential application of the Genocide Convention to linguistic damage was limited because of definitional issues and its requirement regarding intent. The definition of "genocide" in the text actually adopted in 1948 excluded the concept of ethnocide or cultural genocide – which had appeared in earlier drafts – in favour of a focus on more physical forms of genocide.[74] The only element retained from the draft's cultural genocide category was the prohibition on the forced transfer of children from one group to another.[75] The latter form of genocide could be interpreted as covering policies in various countries that required indigenous students to attend residential schools far from their families and communities.[76] Similarly, many observers[77] characterised

[74] Namely: killing; causing serious bodily or mental harm; "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part"; and "imposing measures intended to prevent births" (art. 2).

[75] See Clavero (2008) and Schabas (2000) for a detailed discussion of the drafting history of this treaty.

[76] As has been argued by many commentators in Canada in particular (Harrison 2007; Oxaal 2005).

as genocidal the Australian policies that created the "stolen generations" by removing Aboriginal children from their mothers and adopting them out to white families, with the deliberate aim of severing their links with traditional culture, identity, and community. Such forced transfer of indigenous children usually entailed the loss of their mother tongues due to separation from families at an early age, thus disrupting the transmission of the language, a disruption that was typically reinforced by bans on the use of native languages in the boarding schools and other institutions.

Perhaps more controversially, Skutnabb-Kangas and Dunbar (2010) have suggested that any imposition on children of an education in a language other than their mother tongue may of itself amount to a forcible transfer of children between groups, given that it involves the debilitation of the mother tongue and the acquisition of a language of a different ethnic or national group. They also argue that such education may even result in deficiencies in linguistic development and thus in general intellectual development, reasoning that, since this equates to causing mental damage to those children, it may amount to "damage to the physical or mental integrity of group members", another of the five arms of the Genocide Convention's definition.[78] If this view is accepted, arguably the Convention's requirement of intention "*to destroy, in whole or in part, a national, ethnical, racial or religious group, as such*" could also be satisfied. Scholars such as Edwards (2010), Fishman (1987), García (2012) and Riley (2007) have identified the desire to create a national cultural unity as one of the rationales for imposing monolingual education in a multilingual state, given that loss of language may lead to loss of minority ethnic identity.[79]

Now UNDRIP provides a contribution to the gap left in 1948 by the negotiators of the Genocide Convention. Its Article 7(2) enshrines "the collective right to live in freedom, peace and security as distinct peoples" and not to be subjected to any act of genocide or any other

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[77] In addition to the views of academics such as Cuneen (2008), Clavero (2008), Thompson (2002), Arzey & McNamara (2011) and Bartrop (2001), this was also an official finding of the *Bringing them Home* Report (HREOC 1997).

[78] NB: Skutnabb-Kangas & Dunbar (2010) focus on language in education, not necessarily on other aspects of a state's approach to minority languages.

[79] It should also be kept in mind that art. 3 of the Genocide Convention also criminalizes attempts to commit genocide. Also note that, as well as having a responsibility to prosecute persons guilty of genocidal acts, the state itself may be the guilty party.

act of violence, including forcibly removing children of the group to another group", followed in Article 8(1) by a right (as both peoples and individuals) not to be subjected to forced assimilation or destruction of their culture. Article 8(2) then requires that states establish effective mechanisms to prevent and redress:

> a) Any action which has the aim *or effect* of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
>
> b) Any action which has the aim *or effect* of dispossessing them of their lands, territories or resources;
>
> c) Any form of forced population transfer which has the aim *or effect* of violating or undermining any of their rights;
>
> d) Any form of forced assimilation or integration… (emphasis added).

The appearance of "or effect" in Article 8(2) implies that actions that have ethnocidal consequences (in terms of destruction of culture or ethno-cultural identity) but were committed without that specific intention – and therefore do not violate the Genocide Convention - could be classified as violations of UNDRIP, and with a right to reparation.[80] If consensus is reached that UNDRIP represents binding norms of international law, there will therefore be a higher threshold of state responsibility in the future regarding acts with language-related character or consequence. Importantly, the "effective mechanisms" for redress specified by UNDRIP Article 8(2) could become avenues for indigenous peoples to seek LRJ within their national jurisdictions for assimilatory policies that have caused linguistic damage.

Guidance from treaty bodies on the application of international instruments

The various UN bodies charged with monitoring compliance with specific instruments, or with oversight functions for particular topics, have issued statements that give guidance regarding the application of dispositions with relevance to language and language rights. They have often made broad interpretations of the content of the particular right in question, and therefore of the negative obligation states face in not preventing the exercise of that right.

[80] The Genocide Convention refers to criminal punishments for genocidal acts, but not to reparations for breaches of its provisions.

However, the statements of the treaty-monitoring bodies also make a significant contribution regarding the positive actions that states are expected to undertake.

This is well exemplified by considering the General Comments released by the UN Committee on Economic, Social and Cultural Rights (CESCR) on various articles of the ICESR. For example, in 1999 CESCR, in cooperation with UNESCO, clarified that the Art. 13 right to education includes dimensions of non-discrimination, cultural appropriateness and responsiveness to the needs of students within their social and cultural settings,[81] which implies making genuine efforts to provide precisely the kind of education for which indigenous organisations have been campaigning for decades, including a role for native languages.

Regarding non-discrimination, CESCR stated in 2009 that, as far as possible, information about public services should be available in minority languages to overcome the linguistic barriers that may impede enjoyment of ICESCR rights such as the right to participate in cultural life. [82] It also stated that positive measures to overcome historical prejudice suffered by certain groups may need to be permanent in exceptional cases, giving the example of interpretation services for linguistic minorities.[83]

In a separate comment in 2009 CESCR explained that the Art. 15 right to participate in cultural life embraces, inter alia, rights to express oneself and "seek, receive and share information on all manifestations of culture in the language of the person's choice…", to know and understand one's own culture, and to receive education with due regard for cultural identity. It further stated that minorities have rights "to their cultural diversity, traditions, customs, religion, forms of education, languages, communication media (press, radio,

[81] CESCR 1999a

[82] CESCR 2009a. Note that the UN Committee on the Elimination of Racial Discrimination, which makes pronouncements upon ICERD, has called upon states to recognize and respect indigenous language "as an enrichment of the state's cultural identity and to promote its preservation", and to ensure that communities can preserve and practice their languages (CERD 1997).

[83] With respect to rights in the ICCPR, the UN Human Rights Committee (1989) had already noted that "the principle of equality sometimes requires States parties to take affirmative action in order to diminish or eliminate conditions which cause or help to perpetuate discrimination prohibited by the Covenant."

television, Internet) and other manifestations of their cultural identity and membership."[84] The comment clarified the obligations borne by states parties:

- "ensure that educational programs for minorities and indigenous groups are conducted on or in their own language";[85]
- "recognize, respect and protect minority cultures as an essential component of the identity of the States themselves";
- prevent third parties interfering in the exercise of these rights;
- adopt policies to protect and promote cultural diversity, and facilitate access to cultural expressions; means to achieve this include "measures aimed at establishing and supporting public institutions and the cultural infrastructure necessary for the implementation of such policies" and at "enhancing diversity through public broadcasting in regional and minority languages";
- introduce "appropriate measures or programs to support minorities…in their efforts to preserve their culture";
- "provide all that is necessary for fulfilment of the right to take part in cultural life when individuals or communities are unable, for reasons outside their control, to realize this right for themselves with the means at their disposal", which includes programs "aimed at preserving and restoring cultural heritage";
- go beyond material aspects of culture and adopt "proactive measures that also promote effective access by all to intangible cultural goods (such as language…)";
- guarantee that account is taken of the communal character of this right for indigenous peoples.

The above analysis of just one article from one human rights instrument provides abundant support for the contention that states parties are charged by international law with substantial responsibilities in relation to the maintenance of their great linguistic diversity and to the language rights of their indigenous citizens.[86] Moreover, they have had these obligations for

[84] CESCR 2009b. The Committee's analysis incorporates references to ILO Convention 169, UNDRIP, and the UNESCO conventions mentioned earlier.

[85] NB in doing so they are required to take community wishes into consideration.

[86] However, it remains to be seen whether courts or governments would apply a reading of ICESCR art. 15 as broad as the above quotes from CESCR (2009b). Mechlem (2009) determined that the CESCR regularly neglects requirements of art. 31 of the 1969 *Vienna Convention on the Law of Treaties* to interpret such documents "in accordance with the ordinary meaning to be given to the terms of the treaty in their context and

decades, long before their level of responsibility was enunciated even more clearly in UNDRIP in 2007.

Jurisprudence on the application of international instruments

Although not courts as such, certain UN treaty bodies are also sources of jurisprudence on the content and scope of the rights contained in their respective treaties. This is produced as part of their further function of evaluating individual complaints alleging rights violations. While the Human Rights Committee (HRC) has seemed reluctant to find breaches of the ICCPR right of minority members to enjoy their culture, generally finding "the state actions reasonable and the harm to the community insufficient to amount to a breach of cultural rights as guaranteed by Art. 27" (Shelton 2005b), it has advanced in its findings on discrimination, for example by holding that a state policy requiring exclusive use of a language for administrative purposes must be reasonable.[87] Given that these UN committees apply prevailing international standards, as shown by the observations and commentaries referred to in the preceding section, the evolution in conceptions of indigenous rights is likely to provoke a corresponding shift in their decision making.[88]

The jurisprudence of national and supra-national courts can also shed a light on the human rights instruments to issues of language and linguistic rights. Cases on language rights issues have been most prominent in Europe, where a range of treaties and recommendations[89] urge

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in the light of its object and purpose". She concluded that this has "led to unconvincing results that have undermined the value, credibility, and usefulness of the work of the treaty bodies, thereby causing a possible weakening rather than strengthening of the human rights system", and accused the CESCR of blurring the line between "obligations and desirable policy options."

[87] In this case the HRC decided that a requirement that written and oral communications between civil servants and the public be in English, even when both parties would be able to communicate in another language, amounted to unacceptable discrimination against persons with a different mother tongue: *Diergaardt v Namibia* (2000), discussed in Higgins (2003).

[88] However it may not be immediate: inconsistent alignment of the HRC with evolving standards was shown by its 2009 decision in *Ángela Poma Poma v Peru*, which recognized the principle of free, prior and informed consent, but still does not accept the ICCPR art. 1 definition of "peoples" as including indigenous peoples (see Göcke 2010).

[89] For example, the (non-binding) *Hague Recommendations regarding the Education Rights of National Minorities*, issued in 1996 by the OSCE High Commissioner on National Minorities, go further than the

specified positive actions by states to support the language rights of minorities (de Varennes 2007; Higgins 2003). Although such documents can only be binding for countries in those areas or governed by those institutions, it is not impossible that a Latin American court might consider their content when interpreting a similar instrument from the Western Hemisphere.[90]

Most relevantly for the Colombian situation, the IACrtHR has interpreted the ACHR more expansively than a plain reading might suggest. As noted by Pasqualacci (2006: 284), this court "became the first international judicial body to give its imprimatur to a progressive interpretation of a wide range of indigenous rights and the principles underlying those rights."[91] The IACrtHR's stance is supported by Article 29(b) of ACHR, which forbids the court giving the rights contained in ACHR a narrower construction than that of any other treaty to which the state is a party. Thus, when deciding upon cases seeking enforcement of the rights of indigenous communities it has had frequent recourse to ILO Convention 169.[92] In *Xákmok Kásek Indigenous Community v. Paraguay* (2010) it interpreted various rights in the ACHR in the light of the CRC, and thereby confirmed the existence of a state obligation to adopt special measures to protect the human rights of indigenous children, including the provision of culturally appropriate education.

This combination of a progressive orientation and reliance on a range of human rights instruments explains why Rodriguez-Piñero (2011, 475) predicts that IACrtHR will "become

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international treaties discussed above by recommending not just that early education should be given in students' mother tongues, but also that the whole of secondary education should be as well; even UNDRIP does not impose such a requirement. In 1998 the same office issued the *Oslo Recommendations regarding the Linguistic Rights of National Minorities* and in 2003 the *Guidelines on the use of minority languages in the broadcast media*. Of binding treaties, the 1992 *European Charter for Regional or Minority Languages* stands out, and as such is briefly analysed in Chapter 4.

[90] Regional documents on human rights have also been agreed by African countries, and institutions for handling complaints of violations are now being developed. In 2000 a meeting of scholars produced the *Asmara Declaration on African Languages and Literatures*, but without the participation of governments.

[91] Further: "On at least three occasions, a majority of the Inter-American Court has invoked "evolutionary" interpretation as the justification of expanding the reach of human rights norms" (James & Schaffer 2004, 270).

[92] E.g. in *Yakye Axa indigenous community of the Enxet-Lengua people v. Paraguay* (2002). In *Saramaka People v. Suriname* (2007), as well as reference to ILO 169 (the court viewed the Saramakas, who are descended from escaped slaves, as a tribal people), the IACrtHR drew upon the ICESR and ICCPR in interpreting the ACHR.

a significant locus for the operationalization of the Declaration [UNDRIP], with normative effects that go beyond the system's regional framework." The IACrtHR is therefore the judicial forum most likely to produce expansive interpretations of the language-related rights of indigenous communities and individuals, to find that states have breached their corresponding obligations, and consequently to order a remedy comparable to LRJ to address the harm caused.

Ongoing evolution of international legal standards

Apart from the increasing influence of UNDRIP, there is a likelihood of further development of relevant international rules. The candidate of greatest relevance for Latin America is the *Draft American Declaration on the Rights of Indigenous Peoples*, which is likely to be approved within the next few years. Its content is reflective of UNDRIP in terms of rights and obligations regarding culture, strengthening the normative trend in Latin America to increased state responsibility in that field. Like UNDRIP, it can be expected to be shape the interpretations made by the judges of the IACrtHR, as well as have a direct impact at the domestic level in the participating states.[93]

The agendas of the most recent meetings of the UNESCO General Assembly have included consideration of an international instrument dealing with endangered languages, so within a few years there may be another declaration or even convention strengthening the responsibilities borne by states in this field.[94] Although such an instrument, like the UNESCO conventions and declarations mentioned earlier, is unlikely to be a base for reparations in itself,[95] it could be expected to have an influence on interpretations of the international treaties with obligations and rights related to indigenous peoples and minority languages (much as the CESCR acknowledged the UNESCO instruments when interpreting ICESCR Article 15).

[93] The US and Canadian governments are currently not fully collaborating with the development of the proposed declaration (Rodriguez-Pinero 2011).

[94] In her study on the international and domestic legal frameworks behind Colombia's Native Languages Law, Gafner-Rojas proposes a draft international convention for indigenous languages (2012, 411-426).

[95] Apart from lacking clauses providing for redress for breaches, the UNESCO instruments do not endow groups or individuals with rights. Thus, even if a state's act or omission is in breach of an instrument's terms, there is no right being violated for which a person or persons can seek reparation.

Concerns about the endangerment of aboriginal languages have also been prominently raised within the UN Permanent Forum on Indigenous Issues.[96] Additionally, in September 2012, the Expert Mechanism on the Rights of Indigenous Peoples presented the UN Human Rights Council with its study "Role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples", which recommended stronger actions by states. Pertinently, amongst the recommendations was the following: "In providing redress to indigenous peoples for the negative impacts of State laws and policies on indigenous peoples, States should prioritize the views of indigenous peoples on the appropriate forms of redress, which can include … the finances necessary to enable indigenous peoples to implement their own techniques to revitalize and protect their languages and cultures."[97]

Entitlement to reparations for breaches of international norms

The various rights and obligations referred to above are generally reinforced in these instruments by an explicit requirement that states parties adopt the necessary measures to make those rights effective.[98] The ICESCR and PSS refer to a "progressive realisation" of rights and acknowledge limitations of resources.[99] However, although this appears less exacting, the CESCR has clarified that this wording does not exempt states from complying

[96] The issue of indigenous language endangerment was the subject of a 2008 report, and concern was repeated in the Forum's 2010 report, State of the World's Indigenous Peoples (www.un.org/esa/socdev/unpfii/documents/SOWIP_web.pdf)

[97] See http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/160/52/PDF/G1216052.pdf?OpenElement. The Expert Mechanism also produced a 2009 study on obstacles to application of indigenous rights to education: http://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/A_HRC_EMRIP_2009_2_sp.pdf.

[98] For example, ICCPR art. 2.

[99] Art. 2 of ICESCR stipulates that a state party undertakes to "take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized". PSS art. 1 is similarly worded. However, PSS does, through its art. 2, impose an obligation to enact domestic legislation. CRC art. 4 requires states parties to "undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation."

with their obligations, and that the adoption of legislative measures may not be sufficient.[100] In another comment it noted that "failure to remove differential treatment on the basis of a lack of available resources is not an objective and reasonable justification unless every effort has been made to use all resources that are at the State party's disposition in an effort to address and eliminate the discrimination, as a matter of priority" (CESCR 2009b). Thus, there are legal requirements imposed on states to take action to implement the language-related rights contained in international agreements to which they voluntarily ascribed.

Most of the instruments considered in this chapter contain articles authorizing the making of reparations by states that have not complied with their obligations.[101] The lack of such a clause in other instruments, such as CRC and ICESCR, does not prevent the granting of a remedy. As already noted in Chapter 2, it is a general principle of international law that a state is required "to make reparations when it fails to comply, through an act or omission attributable to it, with an obligation under international law."[102] As stated by the IACrtHR: "any violation of an international obligation that has caused damage entails the duty to provide appropriate reparations … when an unlawful act is attributable to a State, this immediately entails the latter's international responsibility for breaching that international rule, with the attendant duty of reparation and of making the consequences of the violation cease."[103]

Various articles of UNDRIP also explicitly strengthen state responsibility to provide redress, which may increase the cogency of a case for LRJ brought before a judicial forum or international organ.[104] The current version of the *Draft American Declaration on the Rights*

[100] This was made clear in CESCR (1990). See also the discussion regarding "progressive realisation" in Donders (2008, 237-239).

[101] ICCPR art. 2(3)(a); CERD art. 6; ACHR Art.11(3); UDHR Arts. 8 and 12; ILO 169 Arts 15(2), 16(4) and 16(5). As observed above, UNESCO conventions are an exception.

[102] Shelton 2005; International Law Commission 2001.

[103] *Yakye Axa Indigenous Community of the Enxet-Lengua people v. Paraguay* (2002), paras. 179-180. Aguilar Cavallo (2011, 77) points out that IACtHR jurisprudence on reparations was fundamental for the development of what was subsequently approved by the in Resolution 60/147 of 2005 of the *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law*.

[104] Under UNDRIP states are required to provide redress for lands and resources (Art. 28) and "effective remedies for all infringements of their collective and individual rights" (Art. 40). Further, art. 11 obliges them to

of Indigenous Peoples is also clear on the importance of providing mechanisms for redress, and incorporates a broad understanding of reparable harms.[105]

The Human Rights Committee and other UN treaty bodies have emphasised that individuals whose rights under a given instrument have been violated have the right to effective domestic remedies (OHCHR 2008, 6). In Colombia, the main channel for seeking such a remedy is through lodgement of a writ called *tutela,*[106] an innovation of the 1991 Constitution that permits the claimant to seek enforcement of constitutional rights. It was just such a *tutela* action that led to the 1994 Constitutional Court judgment declaring the unconstitutionality of a departmental governor's attempt to prohibit use of a native language in radio broadcasts by a candidate for election.

When avenues for securing domestic remedies have been exhausted, a supra-national venue may be able to hear the complaint. For example, a person alleging a breach of ICCPR rights may seek to bring her claim before the UN Human Rights Committee, mentioned above as a body that has already heard cases on language rights. There is now also an individual complaints mechanism for hearing alleged violations of the ICESCR, although it is not yet available to Colombians.[107]

For indigenous Colombians, the IACrtHR would be the most appropriate non-national forum for a claim for a violation of a state obligation in relation to native languages, given that that

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"provide redress through effective mechanisms, which may include restitution…with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs" – although this seems to refer only to tangible property, one cannot rule out the possibility of an "evolving" interpretation that brings language into the reach of this article.

[105] Art. XXXIII of the Draft emphasizes the importance of "effective and appropriate remedies ... for the redress of any violation of their collective and individual rights." It is one of the articles already approved in the drawn-out series of negotiations on the document.

[106] The immense importance of the *tutela* for the enforcement of human rights in contemporary Colombia, and an expanded comprehension of their scope, will be discussed further in Chapter 5.

[107] Colombia has not yet signed the 2008 Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which established the mechanism in question. However, five of the ten ratifications to date have come from Latin American states (Spain and Portugal are two of the others) and five other regional states are signatories, which suggests that adhesion by Colombia in the near future is not unlikely.

court has shown itself willing to hear cases on economic, social and cultural rights,[108] and noting the other factors set out above regarding its expansive interpretation of indigenous rights.[109] As will be seen below, the IACrtHR is also promising for LRJ given its demonstrated willingness to recognise indigenous languages in its orders.

Thus, it would be theoretically possible to seek reparations for violations of language-related rights that have occurred in the period since the responsible state became bound by the particular instrument: for example, for failures to provide early education in mother tongues or use indigenous languages in state media. Importantly, if such an LRJ case were successful the state could also be ordered to prevent fresh occurrences of the wrongful situation – so it could be required to take action where previously it had failed to act (such as providing interpreting services or bilingual education, giving access to state media, or taking steps to promote an endangered language) – thereby achieving a result that would benefit other communities or individuals, and with positive consequences going forward. Note that it must be possible to attribute the violation to the state; apart from acts by state organs and their officials and employees, responsibility may also be attributable where education functions were officially contracted to churches.[110]

Further, orders of language-oriented reparation would be appropriate for acts or omissions that are not of themselves language-related, but that have negative consequences for language and language rights. Most pertinently, if causing or permitting a community's violent displacement leads to social and cultural dislocation that weakens ancestral language use by the younger generation, reparations could address that aspect of damage in some form. Likewise, LRJ would be suitable reparation when the damage to language results from such violations as: failure to seek free, prior and informed consent to a development project that

[108] This is in spite of some scholarly views that the ACHR does not grant the IACrtHR jurisdiction to hear such cases, with the exception of those relating to rights to education and to union membership (Ruiz-Chiriboga 2013, 163).

[109] NB: Individuals cannot bring a case directly to the court, but instead lodge their complaint with the IACHR (i.e. the Commission). If the state concerned does not follow the recommendations of the IACHR, then the latter is able to refer it to the Court, which is what has occurred in cases taken against Colombia, such as the *Massacre of Mapiripán* case. The court is additionally empowered to give advisory opinions, which can also be requested by the IACHR.

[110] As was the case in many indigenous communities in Colombia, where these functions were allocated to the Catholic Church in what was known as *educación contrada* (contracted education).

disrupts a community; insufficient public health or housing services, leading to the death of a language's most fluent elderly speakers; or failure to protect community leaders or activists who are involved with language revitalization or education projects. It is precisely these kinds of violations that have been occurring in Colombia in recent decades, with an inconsistent attention to social and economic rights accompanying the impacts of the armed conflict, as Part B of this thesis demonstrates. The form of any LRJ order could be sought in accordance with the principle of appropriateness that is recognized by the accepted international standards.

Language-oriented reparations orders in recent judicial decisions

As it happens, there are inter-American and Colombian precedents in which courts have ordered reparations with a linguistic component in cases where the violations were of international norms that were not in themselves language-related.

This has been most marked in the IACrtHR, which has already been noted for its progressiveness regarding indigenous rights. The chief examples are orders that recognize the importance of indigenous languages for informing affected communities of their rights, for example by ordering key parts of the court's sentence to be broadcast over the radio in the community's native language. This happened in *Yakye Axa Indigenous Community of the Enxet-Lengua people v. Paraguay* (2002) and *Saramaka People v. Suriname* (2007).[111] Given that many in the target audience would also speak the official language, or at least be able to have community members interpret the sentence to them, these orders can be seen to have a symbolic aspect as well, constituting a rare instance of the state utilising an indigenous language in the exercise of a public function,[112] and thereby complying with its obligations under international instruments. In the former case the court also ordered the state to supply

[111] In this instance the order had a trilingual dimension: the broadcasts were to be in Spanish, in the community's language of Exnet, and also in the indigenous language Guaraní, which is widely used in Paraguay and has official status.

[112] In Chapter 4 I show that such state utilisation of an indigenous language is an appropriate form of LRJ, whether court-ordered or as part of a "pre-emptive" or voluntary LRJ program.

"sufficient bilingual material for appropriate education of the students" as part of a package of measures for improving services in the impoverished community.[113]

The 2004 decision of the IACrtHR in the *Plan de Sánchez* case, regarding a 1982 massacre of Achí Maya villagers in Guatemala, went further. It included orders that:

- an official ceremony acknowledging the state´s responsibility be conducted in the native Achí language as well as Spanish;
- the ACHR and the Court's two judgments be translated into Achí;
- key parts of the judgments be published in both languages;
- the state promote study and awareness of Achí language and culture in the communities affected;
- the state provide those communities with qualified, bilingual teachers.

Those orders would appear to go beyond communicative necessity, serving as symbolic actions for reconciliation. Yet they are also ways of putting into effect a number of rights relating to use of language and to strengthen the use of an indigenous language by bringing it into judicial, administrative and media domains where those tongues are normally not found. As such, those orders can be seen as appropriate actions of reparation for linguistic damage caused by state violations of human rights obligations.

The approach of the IACrtHR was recently echoed in a decision of the Constitutional Court of Colombia. In its decision in Case T-129 of 2011, the court ordered part publication of the sentence (which found a breach of the right to prior consultation in relation to three development projects) in Embera, the language of the communities affected. It is clear that the order was meant to have symbolic importance, but once again, it has a broader effect of elevating the status of an indigenous language and enforcing the linguistic rights of its speakers – in a sense, it is itself a form of LRJ. Subsequently, a judgment of the same court (Auto 173 of 2012) that ordered the state to take measures to protect victimised communities of Nukak Maku and Jiw people also mandated translation of the decision into the two native languages concerned. Thus, we may be witnessing the birth of an incipient state practice of

[113] As noted by Pasqualacci (2006: 319), in cases involving breaches of indigenous rights the Inter-American Court generally goes beyond "official recognition and financial compensation to individuals" by requiring the state to improve its social investments in the affected communities.

utilising aboriginal languages for communications between the state judicial system and native peoples.

Possibilities for successfully claiming reparations

The preceding analysis raised the possibility that, at some point in the near future, indigenous claimants (be they individuals or a whole community) might succeed in a claim for reparations, whether in a national court or some international forum, for linguistic damage resulting from their respective state's violation of obligations in international instruments. These could be obligations to implement language rights or protect languages, or human rights obligations that are not in themselves related to language but whose breach has nonetheless caused some linguistic damage. Both categories of violation are more likely to be identified if the actions complained of occurred in the twenty-first century rather than the twentieth, given the recent strengthening of international norms regarding indigenous rights. As demonstrated by UNDRIP, the *Draft American Declaration on the Rights of Indigenous Peoples* and the proposal for a new UNESCO instrument on endangered languages, international norms are being reinforced in regard to state obligations to protect indigenous languages, increasing the possibility that a community or organization may be successful in a future case for LRJ.

Needless to say, wherever the court is located, establishing a case for reparations would be challenging for something as complex and intangible as language. For example, there would be major evidentiary difficulties in identifying a particular damage, establishing which actions or omissions were causative factors, and attributing responsibility to a state for those actions or omissions. However, as will be seen in Part B, the circumstances of the Colombian conflict and the political and judicial assessments of it boost both the factual and legal arguments for LRJ. Killings, displacements and other violences can be show to impacted negatively on indigenous society, culture and language, and there is ample legal precedent for holding the Colombian state responsible for providing reparations for victims of the conflict. The Colombian Constitutional Court's relatively favourable stance regarding indigenous rights and willingness to charge the state with taking specific actions cast it as a judicial forum that may be receptive to a claim for LRJ. If such a claim fails at the national level, the IACHR and IACrtHR represent a further opportunity, given recent trends in inter-

American jurisprudence. A positive decision in an LRJ case in the IACHR or IACrtHR would then be echoed in domestic judicial systems across Latin America.

Thus, if a state's failure to support indigenous languages and rights in relation to them has resulted in identifiable linguistic damage, it may find itself ordered to implement the sorts of measures that have been advocated in recent decades by UN treaty bodies, language endangerment experts, educators in native communities, indigenous rights activists and minority rights campaigners. It is these measures that are recommended by the model of LRJ developed in the chapter that follows.

CHAPTER 4

APPLYING LINGUISTIC REPARATIVE JUSTICE:

ITS PRACTICAL CONTENT

This chapter presents the final component of the tripartite conceptualisation of reparative justice for indigenous communities for language loss. Chapters 2 and 3 examined the viability of identifying, respectively, a moral duty and a legal obligation for states to take actions aimed at the restitution of indigenous languages – in other words, explaining the "why" in respect to the provision of LRJ. The current chapter explores the "what" and the "how" of providing LRJ; that is, determining the practical content of LRJ and the mechanisms for delivering it to indigenous communities. This combination of normative principles regarding state obligations and possible models for state action constitutes the framework that will be taken up in Chapter 7 to evaluate the Colombian policies.

My postulation of the practical content of LRJ explores the kinds of actions that are likely to have a restitutionary effect on indigenous languages, and what role state instrumentalities could have with respect to the devising and carrying out such actions. I suggest that a restitutionary effect would be associated with actions designed to promote, protect or support the languages, language practices or linguistic rights of indigenous peoples or other minority groups; for convenience, I will refer to such actions using the shorthand term "pro-language".

My analysis first considers the contexts in which pro-language actions have been proposed or undertaken, being contexts that range from groups of individuals within an indigenous community to the level of national governments. As with the remainder of the chapter, I include reference to other sources that provide guidance on an appropriate state role in language maintenance and revitalisation. Those sources consist in part of scholarship from the discipline of applied linguistics regarding language endangerment, language revitalisation, language policy and bilingual education, including relevant critical perspectives from indigenous scholars. The other sources are international norms, including some of the international instruments of human rights law just discussed in Chapter 3.

The chapter then examines the possible actions that could be taken in various domains of language use, being fields in which state institutions could deploy a range of methods –

whether through legal obligation, economic incentive, persuasion or leading by example. It then considers the law and policy framework that is most appropriate to anchor LRJ undertakings. The chapter concludes with a discussion on the "ownership" of decision making about language policies and methods to achieve LRJ.

MICRO LEVEL MODELS FOR PRO-LANGUAGE ACTIONS[114]

All over the world, within communities in which indigenous and endangered languages are – or were – spoken, many efforts have been made to maintain or revitalise the use of those tongues. This has occurred with respect to languages at many points on the UNESCO vitality scale, from safe to extinct.[115] There has also been great diversity in the social, political and economic circumstances of the communities involved: ranging from the Celtic fringes of Western Europe; to the Arctic North of Russia and Scandinavia; to Hawaii and New Zealand; and to indigenous communities throughout the Americas and Australia.

Some of these efforts have been undertaken entirely by community members, others have involved the participation of linguists and other expert outsiders; at times support has been provided by various public entities and sometimes private institutions. In contrast to the national and provincial policies that are briefly considered in the next subsection, the work being done with indigenous languages has generally arisen from initiatives from within the communities (Hinton 2001; Ash et al. 2001; Newman 2003; Warhol 2012), and may be quite independent of the provisions of constitutions, law and policies. Although the lion's share of language support and revitalisation activities has been carried out within schools, the review of such activities below shows that there are also numerous precedents from other areas of community life. As the middle section of this chapter shows, there are many ways in which

[114] The analysis reflects the previously mentioned characterisation in language policy scholarship of language-related measures on a scale between top-down and bottom-up. Top-down actions are devised and executed by the highest organs of the state, whereas bottom-up initiatives result from efforts by actors at the "grassroots", the latter generally referring to members of the relevant language community.

[115] In Europe this is the case with Manx and Cornish, which only exist as revived languages, and now Livonian, whose last native speaker died in June 2013 (Charter 2013). However, an upsurge of interest in Livonian identity and culture since the 1980s means several hundred people would reject a claim that Livonian is extinct (Blokland & Hasselblatt 2003, 133), a perspective paralleled by Manx and Cornish revivalists.

state institutions can assist communities with their work to maintain and revitalise their languages.

MACRO LEVEL LANGUAGE POLICY AS MODEL FOR PRO-LANGUAGE ACTIONS

Advocates of minimalist roles for the state might argue that all it need do for indigenous or minority languages is refrain from interfering with the linguistic choices of citizens, or at most make a constitutional or legislative statement that confirms such linguistic freedom. However, a survey of language policy practice reveals many examples of states that have taken a much more interventionist role in making laws and taking policy actions in favour of languages seen to need special state support.[116] Even stronger examples come from the subnational level: from governments of provinces or regions that have implemented language policies to benefit a regional language, often in tandem with minority political mobilisations. While many of these measures would not be applicable to smaller communities, indigenous peoples with large populations and discrete ethnoterritorial administrative units may be in a position to adopt some of these approaches.

National language policy: examples from state practice

Ireland exemplifies a rare top-down, state-wide effort to restore the prominence of a traditional national language that had been debilitated by historical circumstances. Long before independence in 1922, Irish had ceased to be the language of the majority of the population: a slow decline over several centuries of British rule[117] turned into a dramatic collapse in the nineteenth century (Edwards 2009; Hindley 1991). Efforts by governments of

[116] Every country in the world has some form of language policy, even if not identified as such. Thus, even if no law mandates the use of the language that happens to be taught in schools and used in all state institutions, we can say that such practice constitutes a de facto language policy (Shohamy 2006). Of those states that make language policy explicit, only a relatively small number concern us here, being those that purport to strengthen the position of a subordinated or minoritised language.

[117] NB this was English rule prior to 1707. Of relevance for comparison with indigenous peoples in Australasia and the Americas, Ireland's long colonial experience was marked by numerous historic injustices, including transfer of lands to British settlers, which were factors behind the language shift (Edwards 2010). Irish activists frequently refer to the indigenous character of the language and to the imposition of English as a legacy of British colonialism (Mac Ionnrachtaigh 2013).

the independent state,[118] generally concentrated on the school system, did not succeed in restoring Irish to its historic dominance, and the decline has continued to the present day.[119] However, while demonstrating the importance of both design and implementation of pro-language measures if they are to yield substantial results, Ireland's fresh approach since the 1990s shows how lessons can be learned from past missteps.

The successful revival of Hebrew in Israel is a poster child for language revitalisation. Having survived as a liturgical language and identity marker for over two millennia while Jewish communities used other languages for their daily lives, a modernised version of Hebrew[120] was developed by Zionist activists in Palestine in the late nineteenth century. Their children became the first generation raised with Hebrew as mother tongue, followed by the children of subsequent waves of immigrants and refugees (among whom the adults, whose mother tongues were extremely diverse, acquired Hebrew as a second language). As first language of the social movements and para-state and proto-state structures that culminated in the establishment of Israel in 1948, it came to occupy every role in Israeli society. The particular dynamics of the restoration of Hebrew are unlikely to have a parallel in the contemporary circumstances of any indigenous or endangered language, given the improbability of independence for any of the peoples concerned.[121] However, it shows that strong support for use of a language, even one that is not the first language of most inhabitants, for state functions, media, education systems and cultural activities, when combined with commitment by society as a whole, can yield powerful results.[122]

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[118] Irish was declared the state language upon independence. It is telling that no other European language classed as endangered has that status, which demonstrates how lack of success in the historic competition to forge nation-states contributed to linguistic decline.

[119] The reasons for this lack of success have been exhaustively studied, as summarised in Edwards (2010).

[120] Modern Hebrew differs in many ways from its ancient form, in grammatical as well as lexical aspects (Zuckermann (2006) regards it as a hybrid language that merits the new label of "Israeli"), quite apart from developments permitting it to expand into new sociolinguistic domains. This is further support for a conceptualisation of LRJ in which restitution is not seen to require imitation of the language practices prevailing before the externally imposed language shift occurred.

[121] The example of the Hebrew revival could be pertinent if an independent state were to eventuate for stateless groups such as the Assyrians, Kurds or Mon, whose members may have adopted the languages of the states that govern their homelands, or where they live in diaspora, for literate purposes or even as mother tongues.

[122] Thus the example of Hebrew has been cited (Zuckermann & Walsh 2011) in relation to indigenous language revitalisation in Australia.

New Zealand a 1987 law made the Māori language co-official and established a language commission,[123] with subsequent expansion in Māori broadcasting and funding of language education programmes (May 2012; May and Hill 2008; Stephens and Monk 2012). Passports are among the range of official documents now bilingual in Māori and English, as are many signs identifying public buildings such as government ministries, schools, hospitals and police stations. Some of the funding has gone to support "language nests", where children of pre-school age receive immersion education from elders who are fluent in the traditional language.[124]

Other pertinent models are bilingual approaches adopted at a national level with the objective of ensuring members of a linguistic minority receive comparable treatment to the majority. Constitutional and legislative arrangements provide for federal governmental functions to be bilingual in French and English in all parts of Canada, while Finland protects the status of Swedish.

At the level of national language policy, many African and Asian countries that gained independence from the mid-twentieth century onwards attempted to raise the status and use of local languages that had been subordinated to the language of the former colonial power, enhancing their role in government, education, business and other important areas of social life. In most cases these endeavours favoured the most widely spoken local language or one functioning as a lingua franca,[125] and not a minority language as such, and so should not be miscast as attempts to save endangered languages or ensure linguistic equality for all. Only in some cases, such as policies of vernacularisation to bring African languages into the education system and other higher domains (Kamwangamalu 2013, 545), were efforts made

[123] The passage of this law followed a ruling by the Waitangi Tribunal, the body charged with hearing claims under the 1840 Waitangi Treaty (between British settlers and sections of the Maori leadership), on a claim regarding the Treaty's implications for the native language.

[124] The first language nest (or *kohanga reo*) was established in 1982 and subsequently sustained the growth of primary and secondary education initiatives using Māori (May & Hill 2008). The concept was soon adopted by Hawaiian language activists, and more recently spread to mainland USA, Mexico and Australia.

[125] Such as Sinhalese in Sri Lanka, Malay in Malaysia, and Swahili in Tanzania. Similarly, Arabic in Algeria and Morocco, and Malagasy in Madagascar, were targets of moves to regain ground from French.

to expand the use of all local languages.[126] However, the selective application of these language measures does not exclude them from consideration as possible means to implement LRJ, particularly given their character as decolonising endeavours.[127]

Language policy at the sub-state level

More frequently, examples of language policy relevant to LRJ are found in multi-ethnic states where the majority and its language had historical dominance throughout the national territory, but a minority ethnicity has numerical preponderance within a sub-state administrative unit, such as a province. When governmental functions are sufficiently devolved to that province, often following processes of democratisation, members of the minority are able to exercise a degree of political power within the provincial boundaries. That power can manifest in policies seeking to assert, at a provincial level, the position of the minority's language, previously subordinated to the language of the state's dominant ethnicity.[128] This has occurred in the Canadian province of Quebec (Bourhis 2001; Calvet 1998; Hagège 2009; May 2012) and the province of Friesland in the Netherlands (Gorter 2001). A not dissimilar process has gathered pace through the last two decades in the autonomous Kurdish region within Iraq.

[126] For practical reasons a middle ground may have been taken, such as in post-independence Guinea, where eight of the more than twenty local languages were initially selected as national languages for educational purposes (see Calvet 1998, 129-134, who notes the many problems in implementation of this plan).

[127] Further, in all those cases the colonial language retained significant roles, depending on circumstances within the countries. This better approximates the reality regarding indigenous languages in the Americas and Australasia, where English, Spanish, French and Portuguese cannot realistically be excluded from most indigenous communities, let alone from the broader societies.

[128] Two European examples of strong protection of minority rights involve languages that are official in neighbouring states and with no risk of endangerment: Italy's Alto Adige (South Tyrol), where German is locally dominant (Kaplan & Baldauf 2008), and Finland's Åland Islands, where rights relating to the use of Swedish have been guaranteed by autonomy arrangements since the 1920s (Winsa 2005). At the other extreme, those cases in which language rights have been most contentious (and perhaps most violated) in contemporary Europe – such as Magyar in Slovakia, Albanian in Yugoslavia and then Serbia, Russian in Latvia and Estonia, Macedonian in Greece, Slovenian in Austria – have also involved languages that are official, and secure, in a neighbouring state, which is itself suggestive that any "repressive" attitude is driven by a fear of irredentism.

Spain's "autonomous communities" of Catalonia (Strubell 2001; May 2012) and the Basque Country (Azurmendi et al. 2001) stand out for consistent and successful efforts since the 1970s[129] to raise the status of the regional language, increase its use by the regional population and reduce the perceived hegemony of the language of the state majority (Fishman 2006; Edwards 2010). The efforts of governments in those polities have included attempts to spread use of the local vernacular among sectors of the regional population that do not speak it, with ensuing controversy.

Only in recent decades have governments and legal systems made solid efforts to support the more vulnerable tongues. Those moves have been quite significant in some cases, managing to stabilise linguistic vitality even if insufficient to reverse historic trends of language shift that, in most instances, resulted in the state language being the mother tongue for a majority of the ethnic group. This is the case with Welsh, which benefitted from pro-language measures even before the 1998 devolution of many political powers to Wales from the United Kingdom parliament (May 2012), and is subject to many of the measures listed below. Welsh is fortunate in having a "perfect fit" with Wales, so it can have co-official status, while being the heritage language and an ethnic identity marker for the entire Welsh population. However, in the north of Britain, Scots Gaelic is the heritage language of only the highlands and western isles, not the Scottish population as a whole (Edwards 2010, 137-148), so its more precarious position is comparable to the language of an indigenous group lacking its own defined ethnoterritory. Similarly, Romansch in Switzerland, although recognised at a national level and strongly supported by the canton of Graubunden in which it is spoken, is used by only a minority of the cantonal population, and its area of use has been receding as German has expanded (Berdichevsky 2004).

However, the social, cultural and economic circumstances of the minority language regions in Europe go against a ready transfer of their language policy approaches to most indigenous language contexts. For example, although the minorities concerned may be able to point to certain historic injustices committed against them,[130] in the modern period their

[129] That is, subsequent to the death in 1975 of Spanish dictator Francisco Franco, whose regime had greatly restricted the use of minority languages, particularly Basque and Catalan, which were associated with pro-independence movements.

[130] For example, prohibitions in 18th century Spain and again under the Franco dictatorship on the use of Catalan (Mar-Molinero 2000), or the failures by federal and provincial governments to honour the rights of French

socioeconomic conditions have not differed greatly from those of the majority population,[131] nor were they subject to generalised dispossession of lands, forced to change religions and cultures, and marginalised in both discourse and practice. A further contrast with indigenous contexts is that the European minority languages were written languages in literate societies. Additionally, the task of devising and executing a language policy was simplified in the regions in question because each had only one historically subordinated language, and it was the actual, or at least the ancestral, language of the majority of the local population, neither of which holds for most indigenous languages. Nonetheless, despite these important differences, many of the measures adopted for these majority languages do merit consideration as potential means for providing LRJ to indigenous peoples. Indeed, as Chapter 6 will show, the Basque Country's Vice-Ministry of Language Policy has donated its expertise to the Colombian government's work with minority languages.

GUIDANCE FROM LEGAL INSTRUMENTS REGARDING PRO-LANGUAGE ACTIONS

The previous chapter discussed the obligations relating to language that are imposed by international law instruments, as well as by inter-American human rights instruments. There is one further supranational agreement that is helpful when considering the potential role of states to support languages: the European Charter for Regional or Minority Languages (ECRML). The ECRML details a range of actions that can be taken for specific areas, such as media, education, judicial authorities, cultural and social life, and so forth. For each area there is effectively a ranking of possible actions from more onerous to least exacting, and the state is able to select the option that suits its preferences or resources.[132] Compliance is then

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speakers in Canada during the 19th and much of the 20th centuries (Hagège 2009). More broadly, the imposition of an unwanted external regime has itself been cast as a key historic injustice.

[131] In fact, both the Basque Country and Catalonia have levels of GDP per capita far superior to the Spanish average (Mar-Molinero 2000).

[132] For example, the cascading range of options is demonstrated by ECMRL art. 8(1)(d), requiring states "(i) to make available technical and vocational education in the relevant regional or minority languages; or (ii) to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or (iii) to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or (iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient…"

monitored by the Council of Europe's Secretariat for the ECMRL. While leaving states free to choose the level of responsibility adopted may permit some to evade a strong commitment, the flexibility of this approach would seem suited to a country with numerous indigenous languages in greatly divergent circumstances. For example, a language with many monolingual speakers could be given the highest level of attention for provision of translators and interpreters; one that is moribund or dormant could be addressed chiefly through the education system. It could even be envisaged as the model for an instrument that applies to all Latin American countries, or even to all of the countries with indigenous populations.

STATE ACTIONS IN FAVOUR OF INDIGENOUS LANGUAGE: FIELDS OF ACTION FOR LINGUISTIC REPARATIVE JUSTICE

Each of the following subsections concerns a field of economic, social or cultural life in which various types of pro-language efforts have been undertaken, attempted or proposed. Those efforts are located at various points on the scale from top-down to bottom-up. However, even when an action appears to be completely top-down – such as constitutional amendments or international negotiations by a national government – its planning and execution can involve consultation with and participation of indigenous communities, thus aligning it with the principles grounding LRJ. At the other end of the spectrum, in almost all situations there is scope for some form of state support that helps to facilitate or sustain what is otherwise a totally grassroots effort by the members of an indigenous people or community – and it is possible for this to be done without displacing the authority and agency of the community concerned. With respect to both top-down and bottom-up efforts, provisions of relevant international law instruments that require some form of state contribution are noted in the main text or in footnotes.

For brevity, I use the initials "TL" to refer to the target language, that is, the indigenous, subordinated, minoritised or endangered language which the particular measure is intended to support.

Primary and secondary schooling

Development of a more serious effort to teach and use indigenous languages within schools will entail creating more incentive for indigenous persons to retain, expand or gain TL

knowledge, which itself will boost ethnolinguistic vitality. From the perspective of redressing historic injustices, it is fitting that the school system should be used to maintain or restore native language use, given that system's role in weakening indigenous linguistic practices – which, as noted, often extended to prohibitions on students speaking their mother tongues (Glenn 2011; Olthuis et al. 2013). TL schooling also serves broader goals of reconciliation and indigenous advancement beyond LRJ, such as the creation of teaching jobs for indigenous youth, and an incentive to study in order to fill them. Use of the TL in schools is likely to facilitate the incorporation of beliefs, knowledges and practices into curriculum, pedagogical approaches and institutional philosophy, as sought by indigenous activists and educators.

Throughout Australasia and the Americas, despite a greater level of community input in some locations, indigenous schools are still generally part of state education systems; if church-run, they are still predominantly subject to state curricula, supervision and funding. Thus, of all the fields of LRJ action covered in this section, primary and secondary education is one that already engages a very high level of state responsibility – so the question is how to exercise that responsibility in a way that reverses the historic marginalisation of indigenous languages. It is also a field that implies a high level of action to comply with international human rights instruments.[133]

A key demand of indigenous activism all over the world has been the use and teaching of their languages in the schools attended by their children. Official acceptance of this demand occurred from the late 1970s onwards in most of Latin America, where "bilingual intercultural education" is, at least on paper, the expected form of primary schooling in indigenous communities, and appears to accord with commitments under international instruments. However, there are numerous accounts of this model not being delivered at all schools, being inadequately implemented, or not having a sufficient linguistic component (Castillo Guzmán 2008; Enciso Patiño 2004; García 2004; López and Sichra 2008; Montes Rodriguez 2009). Moreover, students rarely have the opportunity to continue TL education at secondary level. Such deficiencies contrast with the situation over the last few decades of the

[133] See Chapter 3 regarding the extent of these commitments, notably ILO Convention 169 arts. 26 and 28, CRC Art 30, CADE and UNDRIP art. 14.

best supported European minority languages, where TL-only or fully bilingual schooling has become available in both public and private school systems.

In the Anglophone settler states, there have been many community-driven efforts at the micro level, but at the national level only New Zealand stands out for having state-funded but community-run schools (*Kura Kaupapa Māori*) that use Māori as the language of instruction along with an emphasis on traditional knowledge and culture. However, even those schools only cater to a minority of Māori students.

Support for the TL in indigenous community schools can be expected to entail state commitments such as the following:

- Where children beginning school have TL as their mother tongue, ensure (as a minimum) that TL is medium of instruction for the earliest years of education,[134] and introduce them to literacy in TL. Even after the majority language is mastered, retain TL as medium of instruction for some subjects throughout primary schooling, and as much as possible in secondary schooling, in order for children's TL ability to grow alongside their general social and intellectual development.
- Fund and collaborate in community work to produce a sufficiently wide range of textbooks, games, audiovisual aids and other school materials in TL for as many areas of learning as possible, and for as many years of schooling as possible. Special attention should be paid to new technologies and media channels.
- Supply materials in TL at low or no cost to students and teachers.
- Where children do not know the TL (majority language is their mother tongue), teach them the TL as a second language through as many grades as possible, with use of immersion methods where possible, and with aim of fluency and eventually using TL as medium of instruction.
- In the case of urbanised or displaced indigenous children attending mixed schools, where possible create classes that maintain existing TL knowledge in case of TL speakers, or teach it to those who do not.
- Invest in proper training of community members with TL fluency to be school teachers, including provision of skills for utilising TL as medium of instruction or to teach TL as a

[134] This would accord with the international standards laid down by UNESCO (1953) and supported by education scholarship (see for example Garcia; Cummins).

second language if the children do not have it as mother tongue (Hornberger & King 1996; de Mejia 2010).[135]

- Where TL fluency is lacking among potential school teachers, provide sufficient training in the TL for them to be able to teach it as subject or medium of instruction.
- Give individuals with TL competence (such as older community members) a role assisting teachers in the classroom, and provide adequate resourcing to pay them and provide sufficient training.
- The issue of teacher training is complicated where indigenous communities face educational disadvantage. In such circumstances, a prerequisite to teacher education programs is the provision of funding or special programs to ensure quality schooling or mentoring is given to indigenous students who could become teachers – thus planning many years ahead of the moment a teacher is employed.
- Ensure that there are connections between school and community – to encourage broader revitalisation intergenerational transmission, create a sense of community ownership, and have the school as the cornerstone of a learning community (Mac Uidhilin 2013). If linguistic research or documentation is not occurring for an endangered TL, those connections may facilitate recording of the remaining fluent speakers in order to create a legacy for that community's future generations.
- Include classes on TL and related cultural elements in education of majority members.[136] This will serve broader goals of reconciliation and reduction of prejudices, and elevating the value of the TL in majority society is likely to improve sociolinguistic attitudes among indigenous community. Further, establishing TL lessons in non-indigenous schools will create employment for TL native speakers.

It would also be necessary to ensure that TL programs in indigenous community schools do not suffer from the imposition of one-size-fits-all policies by state educational authorities that do not account for the particular circumstances of those schools and programs. Such negative

[135] The education system could offer incentives to develop TL teaching skills, such as the Māori Immersion Teacher Allowance paid to teachers who teach in Māori for over 50% of the time (NZ Ministry of Education 2010).

[136] This would meet the recommendation in CESCR General Comment 21 to include such programs in the school curricula for all students, not just minorities and indigenous peoples, as well as address the asymmetric bilingualism identified by authors such as Pou Giménez (2012).

impacts have been observed in the United States following the implementation of the *No Child Left Behind Act* of 2001 and in Australia after the introduction of national standardised literacy and numeracy tests (NAPLaN). In both cases the concentration on English literacy skills is at the cost of teaching through or about indigenous languages (Wyman et al 2010; Truscott and Malcolm 2010).

Language acquisition by children outside of schools

Minority languages still have minimal or zero presence in public school systems in many countries, such as France and Turkey. However, in countries where historically weakened languages did move into the classroom, language activists found that schooling, although important, was not capable of delivering language maintenance or revitalisation on its own. This was the case in Ireland, where Irish continued its downward spiral despite being compulsory throughout the public school system since the 1920s. Hence, in European minority language territories, activists developed approaches to facilitate TL acquisition by children yet to commence school. This resulted in nurseries and pre-school play groups for languages such as Basque, Welsh, Irish and Breton, which sometimes became the basis for a system of non-public, community-run schools that continue TL education through primary and even secondary levels. Although very much grassroots initiatives, both the nurseries and schools have come to receive varying degrees of state support.[137]

Similarly, the language nest is a grassroots model, originating in New Zealand in 1982 and since adopted in Hawaii[138] and parts of the Americas, with the objective of TL acquisition by children in indigenous communities where language shift has meant that knowledge of the ancestral tongue is found mainly among the older generations. The language nest is an environment in which children who are not yet of school age are immersed in the TL, guided by fluent TL speakers who are often among the elders of the community. Thus, children are exposed to the TL at the very age when they are naturally acquiring language skills – in effect, they have the opportunity to acquire it as a second mother tongue. As with the

[137] The state also supports summer colleges (*coláistí samhraidh*) in Ireland, where children and teenagers are sent to stay with Irish-speaking families in the country's west.

[138] The New Zealand and Hawaiian language nests are known as *kōhanga reo* and *pūnana leo* in the respective languages.

European languages mentioned, in New Zealand and Hawaii this led to the establishment of primary and then secondary schools, enabling continuation of TL-medium education for some of the children who had been through language nests.[139] At all levels, beyond goals of language immersion there is an emphasis on indigenous identity and cultural knowledge that manifests in both curriculum and pedagogical approaches.

For those beyond early infancy, North American indigenous communities pioneered master-apprentice programmes that pair a competent TL speaker with a child or young adult,[140] and culture camps in which young community members spent time with TL speaking elders.[141] As with language nests, these endeavours involve elders passing knowledge to youth, frequently with respect to specific cultural practices, and therefore reinforce social connections and facilitate transmission of a range of traditional cultural elements alongside the language learning.[142]

The genesis and subsequent international adaptations of each of these methods have been profoundly community-driven, in both design and execution. They are among the most bottom-up of the revitalisation approaches put into practice to date, and are intrinsically suited to control by the community concerned and not by any state institution. However, even in these cases there are important roles that the state can fulfil – and definitely should fulfil, from the perspective of LRJ principles, because these are measures with direct impact in terms of maintenance and revitalisation.[143] One state collaboration is to provide financial and material resources for the language nests, which share some of their requirements with schools: buildings to serve as venues; training courses in language-teaching pedagogy or childcare skills for the staff; remuneration to support staff and the community members who provide their time and language knowledge, or at least an offsetting of their incidental costs if

[139] In the Hawaii city of Hilo there is now Hawaiian-medium education from preschool to postgraduate level, the latter at the branch of the state university (http://hilo.hawaii.edu/catalog/phd_hilcr.html).

[140] See for example Grenoble & Whaley (2006, 60) and First Peoples' Cultural Council (2013), which also notes that adults, whether semi-fluent speakers or non-speakers, can be assisted by immersion programs.

[141] For example, hunting camps established among the Cree of Quebec (Roué 2006).

[142] Noting that the arrival of television, computers and electronic devices to many communities reduces young people's interest in traditional cultural forms while undermining interactions between generations.

[143] It should also be kept in mind that these extra-mural learning experiences are just as pertinent to the fulfilment of indigenous children's rights to education as schooling is, quite apart from their connection with rights to take part in culture (ICCPR Art. 27, in addition to various articles of UNDRIP).

they are volunteers; the provision of learning materials; and costs necessary for administration, insurance, regulatory compliance, and so forth. Culture camps and master-apprentice programs will also have logistical, equipment, staffing and administrative costs. Other assistance may be non-financial, such as exemptions by relevant government agencies from rules or fees that would ordinarily restrict some activities (like fishing or hunting trips), or publicising the programs through public broadcasting or agencies that provide services to indigenous people.[144]

As with other grassroots revitalisation efforts, state institutions can also assist with getting them off the ground. If a community's leaders and language activists have not been informed about these techniques through national or international indigenous networks, then universities or state agencies could bring them to their attention. State organs could also facilitate exchanges with communities that are undertaking those approaches, whether within the country or abroad, and provide training or other support.

Raising awareness among indigenous community members

Given that intergenerational transmission is crucial to language survival, there can only be beneficial results from any effort by state entities that raises awareness among indigenous and minority adults of the need to use TL when raising their children if they wish to keep it alive.[145] This can include dispelling beliefs that learning the TL will hamper children's acquisition of the majority language, or that TL acquisition will naturally occur outside the school walls and so is not necessary within them, and instead explaining the benefits of bilingualism and multilingualism. Greater consciousness of the significance of TL use in child rearing can lead to more informed decisions regarding "home language management" (Spolsky 2009).

[144] As an example of what lower levels of government can do, the local government of Scotland's Western Isles commits itself in its 2013-17 Language Plan to compile a list of child-minders with Gaelic skills; establish after-school and holiday clubs, which will involve Gaelic medium activities and provide training for their leaders; and "aim to ensure that at least 60% of young people… have an active involvement in Gaelic cultural activity" (Comhairle nan Eilean 2013).

[145] Emphasising this aspect can help counteract the tendency observed by Dorian (2010) for availability of language transmission in the school context to increase neglect of transmission in the home.

Actions that educate and inform indigenous communities and individuals can be seen as empowering and enhancing their agency, even if such information is conveyed through state institutional channels. There are understandable sensitivities in many indigenous communities, given the history of imposition and control by majority society and its institutions. However, if the message has been agreed with the community's own experts and leaders and is culturally-appropriate, the state that is well placed and resourced for purposes of consciousness-raising, especially for indigenous persons who no longer live in fully traditional circumstances. A parallel is the issue of indigenous health: the role of the state health authorities is generally accepted and seen as necessary, both for information and treatment.

State engagement in such "public relations" for the TL is a way to reinforce the positive attitudes on language attitudes that would result from the implementation of other measures, particularly those that demonstrate the usefulness and value of the TL – importantly, this includes increasing its economic value through the creation of employment and other opportunities.[146] As noted by Brezigar (2009), there can be a form of "marketing" of TLs.

Administration and public services

Initiating or increasing the use of the TL within state organs of law and administration is something clearly within the scope of government responsibilities, whether at national, intermediate or local levels. Although essentially a top-down dimension of language policy, there is scope for significant community consultation and participation with respect to decisions and their implementation.

Insofar as a jurisdiction has inhabitants who lack full command of the majority language, some form of TL utilisation by state organs is essential if there is to be compliance with human rights instruments. Further, by permitting fuller participation in the broader society and opening economic opportunities up to TL speakers, state organs would be according a heightened degree of linguistic justice, as explored by Mowbray (2012).

[146] One method to increase a TL's economic value has been applied in Ireland: state-appointed inspectors would allocate grants (*deontas*) to children who could demonstrate skills in Irish. There were also housing grants for Irish-speaking families and grants to build community halls (Antonini 2012; Hindley 1991).

Whether or not indigenous community members have full abilities in the majority language, utilisation by state institutions takes a TL it into new domains of use, which will itself have positive consequences for attitudes of existing and future speakers. Moreover, creating employment for translators, interpreters and other occupations requiring TL skills would have a direct impact on increasing the economic value of the TL and the demand for it in education systems. Even if most communication within the political and bureaucratic realms continues to be conducted in the dominant language, a demonstrated commitment to the TL in relations with the public serves to acknowledge the citizenship rights of indigenous communities and the value of their languages.[147]

Given the cost and complexity of administrative functions, the appropriate LRJ actions would depend upon a range of circumstances. These include the nature of the state body in question, the total size of the indigenous people concerned, their proportion of the overall population,[148] the respective knowledge levels of the TL and the majority language among group members, and the sociolinguistic vitality of the TL. The possible measures that could be taken include the following:

- Within the justice system, have interpreters available for persons lacking competence in the majority language if they are accused of a crime,[149] and where possible when they are parties in civil or administrative proceedings. There could also be broader use of the TL in the local court system in areas of indigenous population, and facilitation of interpretation services if speakers of the TL appear before courts in other areas.[150] Where TL speakers do also have mastery of the dominant language, there could still be a goal of permitting and facilitating TL use as much as possible.

[147] While also serving as a partial acknowledgement of UNDRIP regarding of indigenous rights to participate in the development and administration of social programs (Art. 23); "in the political, economic, social and cultural life of the State" (Art. 5); and in decision-making about matters which would affect their rights (Art. 18).

[148] For example, Finland's language legislation sets out a precise scale that indicates the degrees of bilingual service delivery municipalities must provide based on the percentages of Swedish speakers in the local population.

[149] As indicated in Chapter 3, this is a procedural right imposed by a succession of human rights treaties.

[150] This would move closer to satisfying UNDRIP Art. 13(2), which requires states to "take effective measures … to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means."

- Increase the role of TL in local administration including use of the oral language on websites,[151] and in the delivery of public services by all levels of government. Governmental entities dealing with TL speakers could be required to develop plans addressing issues such as staff awareness, rostering of TL-speaking staff to deal with public, bilingual documentation and so forth, while ensuring that there are ways to monitor the implementation of such plans.[152]
- Increase possibilities for TL speakers to communicate (orally or in writing) with public entities using the TL, particularly when they lack command of the majority language, and for them to receive responses in the TL.[153]
- Where public service provision is contracted out to the private or non-profit sectors, a commitment to TL use can be stipulated, particularly if relating to health services, aged care, childcare, and other welfare services.[154]
- Provide options for use of TL in any forum in which TL speakers have a right to participate,[155] for example in meetings of municipal councils or in mechanisms for consultation with indigenous communities, as well as provision of interpreters for electoral processes.
- Make important (or all) government documentation available in TL, particularly for provincial or local administrations governing indigenous populations, and for information about government services directed at those communities. [156] Where it is not practicable

[151] This would also comply with Art. 30 of ILO Convention 169.

[152] For instance, the 2013-17 Language Plan of the local government for Scotland's Western Isles stipulates commitments regarding bilingual signage, forms, letterhead, cards, press releases, meeting agendas and minutes; identification and availability of bilingual staff; simultaneous interpretation of meetings; staff awareness training; and implementation and monitoring of these requirements (Comhairle nan Eilean 2013). This plan appears to have addressed some of the deficiencies pointed out by Walsh & McLeod (2008) – although their criticism that the council's website was insufficiently bilingual is still valid (as at June 2014).

[153] ECRML Art. 10 refers to guarantees of ability to submit oral and written applications or requests for services, and to receive replies in the regional or minority language concerned.

[154] For TL speakers with limited command of the majority language, this will be necessary if there is to be compliance with UNDRIP Art. 24: "Indigenous individuals have right to access, without any discrimination, to all social and health services."

[155] Noting once again UNDRIP Art. 13(2) with respect to understanding, and being understood, in political, legal and administrative proceedings.

[156] For signatories of ILO Convention 169, this is a clear legal obligation when communities lack competence in the TL, as Art. 30 requires states to adopt measures to inform them "of their rights and duties, especially in

to publish all laws, regulations and administrative documentation in the TL, there could be translation of key or relevant parts, and certainly of any administrative decisions or notices directed specifically at an indigenous community.[157]

- Give the TL and majority language equal space on documents or signs that have a strong symbolic value, as with the use of Māori on New Zealand passports. This can impact language attitudes of both majority and minority members.
- Train TL interpreters[158] and translators for the courts, health system and public services, selecting members of the TL community where possible.[159]
- Prioritise training and hiring of TL-speakers to fill public positions in TL-speaking areas. As well as making linguistic rights of TL citizens effective, this helps retain TL speakers in the TL area, thereby sustaining the local linguistic ecologies.
- Offer classes in TL use to public officials and public service providers in TL-speaking areas, to both indigenous and non-indigenous individuals.[160] There could be incentives to take such classes, such as paid study leave or bonuses for successful completion.

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regard to labour, economic opportunities, education and health matters, social welfare and their rights deriving from this Convention. If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples."

[157] An example of such selectivity – and of the tremendous challenge it nonetheless constitutes – was the project to translate the key parts of Colombia's 1991 Constitution into seven indigenous languages (Gow & Rappaport 2003, 59; Landaburu 1997). As well as serving to communicate information to speakers of those languages, and constituting important symbolic recognition, the task also aided in the "development" of these languages with respect to their handling of political and legal concepts, for example by coining new terminology, which strengthens the place of the indigenous language in a domain previously restricted to the colonially imposed language.

[158] CESCR (1999), in its commentary on ICESR Art. 13, noted that positive measures to overcome historical prejudice suffered by certain groups may need to be permanent in exceptional cases, giving the example of interpretation services for linguistic minorities.

[159] As well as ensuring a system of accreditation – and one that verifies competence in the pertinent subject matter as well as in both languages and in technical skill – a state entity could be charged with facilitating access by citizens, public bodies, businesses and non-profit sector to the corps of translators and interpreters, such as the registers maintained for Māori (http://www.tetaurawhiri.govt.nz/english/registry_e/registry1.shtml) and for Mexican native languages (http://panitli.inali.gob.mx)

[160] A very recent example of bringing a TL into the health system: in June 2014 Paraguay's Secretariat of Linguistic Policy and the Faculty of Medicine at the National University of Asuncion, signed an agreement on including the teaching of Guaraní in medical training (SPL 2014).

- Apply proficiency tests in TL as a condition of recruitment or promotion[161] or at least give preference to candidates with TL knowledge.
- Consider possibilities for TL use in the broader range of public sector instrumentalities, such as entities responsible for water, power and other utilities, or with roles in the regulation of communications and transport, particularly in zones where their work has a bearing on indigenous communities.

Given that many of these actions are within the administrative responsibility of subnational jurisdictions such as provinces and municipalities, the efficacy of these measures would be greater if all speakers of a given TL are located within the same administrative unit. Yet provincial and municipal boundaries will rarely have been drawn with to suit the needs or preferences of indigenous and other minority groups,[162] and instead separate communities of the same ethnicity. Effective implementation of LRJ could be enhanced by adjusting internal borders in order to avoid dividing members of the same language group unless absolutely necessary.[163] Conversely, where possible (for example when different ethnicities occupy distinct geographical areas, rather than being intermingled), each lower level jurisdiction would contain only one linguistic minority, so that a committed effort can be made with respect to a single TL through a local regime of bilingualism, rather than the more diluted approach likely to result from multiple TLs.[164] Boundary adjustments of this type would

[161] For example, recent legislation in Ireland imposes such a requirement on police officers and judges in Irish-speaking areas (Killoran 2013).

[162] Frequently those boundaries will have been fixed during the colonial period, as with the borders of the six colonies that become constituent states of Australia upon federation in 1901, or else during the period of post-independence state consolidation and expansion into areas inhabited by indigenous peoples, such as the provinces of Argentina and western Canada. While the jurisdictions thus demarcated may now align with cultural identities and economic patterns, from an indigenous perspective they are as much a legacy of colonialism as the international borders referred to later in this section.

[163] Throughout the Americas, frontiers established without regard for indigenous peoples continue to divide communities from their ethnic kin – the splintering of the contiguous territories of the Navajo nation in the USA between Colorado, New Mexico, Arizona and Utah. In contrast, the 1996 federal restructuring of Ethiopia (Smith 2008) and redrawing of state borders in India in the 1950s and 60s (Calvet 1998) represented attempts to align administrative boundaries with the distribution of larger ethnolinguistic groups.

[164] For example, while bilingual notices and signage are feasible, a proposal to have a higher number of languages appear on every sign and document will probably be consigned to the "too-hard basket".

reduce duplication of resources and aid in achieving a critical mass for application of language policy decisions.[165]

In a similar vein, consideration should be given to the LRJ responsibilities of administrations in urban areas that host significant indigenous diasporas, or non-indigenous jurisdictions that have important interactions with neighbouring self-governing indigenous communities (for example, a town with markets, workplaces, schools, and hospitals depended upon by members of a nearby reservation).

Linguistic landscape

Decisions and actions taken by state institutions also have a profound impact upon the configuration of the "linguistic landscape" (Shohamy 2007), as government instrumentalities are typically responsible for selecting and displaying the names of geographical features at both macro and micro levels.

Visibility of a TL can be heightened by giving it pre-eminence for place names within the areas inhabited by the people concerned, such as by restoring the indigenous names for geographical features. This may be through a re-prioritising within the approach of an existing geographical names authority, or through establishing a dedicated unit within a TL language management institution.[166] As well as signalling respect for the language, this is also a recognition of an indigenous people's relationship with their territory and therefore gesture of reconciliation by the settler society.[167]

Those toponymic choices would be reinforced by mandating prominent display of TL names and other indications in TL alongside the majority language on all signage in government buildings and along roads in zones inhabited by the people concerned. The cost of some such measures could be lowered by a progressive implementation, whereby new bilingual signage

[165] Such internal rearrangement may enable the state to be more compliant with UNDRIP Art 3, which clarifies that the right to self-determination allows indigenous peoples to "freely determine their political status."

[166] For example, the Place Names Committee of Oqaasileriffik (Greenland Language Secretariat).

[167] This would comply with the element of UNDRIP Article 13(1) that confirms the right of indigenous peoples to "designate and retain their own names" for places and communities. There are also guidelines issued by UN agencies regarding geographical nomenclature that recommend use of indigenous toponyms.

is installed when the existing signs fall due for replacement.[168] If public entities are obliged to employ the TL in this way, and compliance with those obligations is monitored, the resulting boost in TL visibility, and consequently of positive attitudes to it, may offset potential criticism that signage is a superficial and tokenistic acknowledgment of the TL.[169]

If there is only one TL spoken in the particular jurisdiction, the bilingual landscape could be generalised throughout the territory, while the TL could be used for names of streets, parks, public facilities, buildings and so forth, even in localities dominated by majority members. These measures should help lift the prestige of the TL, as well as foster a culture of literacy around it, as members of the TL community become used to seeing and reading their ancestral language in their daily lives.[170] Other inhabitants may also develop more positive attitudes towards the TL, as it may be their first encounter with it as in written form and with state sanction.[171] Civil society and private sector organisations could also be encouraged to use the TL in names and signage, with advice given by a TL language academy or other language management organisation.

Promotion of written language

Both the theory and practice of language revitalisation tend to devote space to the issue of written language. This is so even with respect to the many indigenous languages that lack traditions of literacy. The familiarisation of a TL's appearance in written form, and its move into domains hitherto monopolised by the majority language, is a way to maintain a strong TL and move it into the future. For an endangered TL, it strengthens the foundation for

[168] As is stipulated for signage erected by public authorities in Wales, under rules that also require the Welsh text to be placed first and to be no smaller than the English version (Welsh Government 2014, 14-15). As with other pro-language requirements, failures by public authorities to comply with bilingual signage obligations underlie many of the complaints handled by the Irish Language Commisioner (Office of An Coimisinéir Teanga 2014).

[169] Pro-TL policies on signage and other linguistic landscape components often generate controversy among the majority population, as noted by Hornsby and Vigers (2012) regarding Wales and Scotland.

[170] There may even be economic benefits for a locality that cultivate a bilingual landscape, for example by enhancing its appeal as a destination for ethnotourism or ecotourism.

[171] If a newly bilingual linguistic landscape helps increase the appeal of their region as an ethnotourism or cultural travel destination (see for example Puzey 2012), local inhabitants of whatever ethnicity may be appreciative of the resulting economic benefits.

attempts to reverse the decline. Where there are few fluent speakers and children are only exposed to the majority language, written texts will be among the primary tools for teaching and otherwise recovering the TL.[172]

Actions within the competence of state institutions that would boost the written use of a TL include some mentioned already: introducing, increasing or improving the teaching of the TL in schools; making linguistic landscapes bilingual; and using the TL in documents emitted by state institutions, whether in printed and electronic form. Additionally, a range of public institutions are in a position to increase the amount of printed material available in TL generally, with emphasis on texts that will be useful or otherwise appealing for community members, both through their own production or by encouraging publications by private sector organisations and civil society. State-funded cultural institutions that support literary publishing, theatre and other creative activity[173] are also well placed to promote works in the TL via, for example, grants to authors, prizes and scholarships, and also to facilitate distribution. Although most indigenous groups are likely to prefer new material, produced by their own members and reflecting their own culture, they may also be open to undertaking translations of existing works in majority languages, at least during an initial stage when it is desirable to boost overall volumes of publication in the TL. For measures of this type to have sustainability, they will also need to be accompanied by the training of TL community members in the skills required in fields such as publishing, as well as in translation.

Newspapers, magazines and other print media are another area historically dominated by majority languages. Just as Anderson (1983) noted the role of print media in creating the "imagined community" of the nation-state, so too have they been seen as important for developing a sense of minority ethnic identity, and numerous attempts have been made to produce newspapers in the key European minority languages. However, it may be difficult to sustain a regular publication, given the costs of production and distribution that need to be covered by sales and advertising revenue. This will particularly be the case where TL-speaking populations are small; where those communities have limited economic capacity; or

[172] And therefore facilitating the realisation of UNDRIP Art. 11, which confirms the "right to practise and revitalize cultural traditions and customs", defined to include "the right to maintain, protect and develop the past, present and future manifestations of their cultures."

[173] As will be noted again below, support for theatrical and musical performances, whether traditional or modern, that utilise a TL can help sustain the TL in important domains of use.

where they lack a tradition of literacy, or their literate practices are confined to the majority language. This may explain why few indigenous languages in Australasia and the Americas have been a medium for newspapers, but European minority languages have faced the same challenge. Catalonia and the Basque Country are rare success stories, with consistent production of daily and weekly newspapers in their regional languages. In Ireland, the hegemony of English is so strong that it has proved difficult to maintain a national newspaper in Irish, despite it being an official language since 1922, and despite targeted funding.[174] Thus for most TLs, we can say that there is a market failure with respect to print media, and support from the government is the only way to ensure viability.[175] Such support could take forms other than direct funding; for example, government advertising can constitute a significant revenue source for newspapers, and a redirection of some of this funding to publications in the TL is a form of state action that concords with LRJ principles.

In recent decades the realities of all forms of publishing and media production have been transformed by technological advances. These developments can enable lower productions costs, especially those related to distribution, as well as expand the potential reach of publications, which represents an incentive to publish. Simultaneous, these changes are reducing the role for the traditional print media, and any LRJ efforts in this regard would need to assess carefully the future prospects in order to avoid making an unnecessary investment for little sociolinguistic return.

Television and radio broadcasting

Scholars in the field of language endangerment have often remarked upon the impact that television, which is typically monolingual in the majority tongue, has had in accelerating language shift in indigenous and minority communities – such as the description of the medium by Krauss (1992) as "cultural nerve gas". Given its social and cultural power, it is

[174] For example, the Irish language body Foras na Gaeilge funded a weekly Irish newspaper from March 2010, but closed it in January 2013, citing sales figures (Foras na Gaeilge 2010; Foras na Gaeilge 2013). Currently the only nation-wide publication is an eight-page weekly issued as a supplement to the Wednesday editions of the daily newspaper *Irish Independent*.

[175] Further, state support meet UNDRIP standards, such as art. 16(1) giving indigenous peoples the right to establish their own media in their own languages; and art. 16 (2) which provides that states should encourage privately owned media to adequately reflect indigenous cultural diversity.

not surprising that television has also been identified as a means for strengthening a TL.[176] In terms of language attitudes and other sociolinguistic factors, television broadcasting in a TL is a big step forward by creating "visibility and respect for a language and culture previously unheard and invisible in the national public sphere" (Lysaght 2010, 78), as well as constituting an addition to the TL elements in the local linguistic ecology.

Before the appearance of Catalan and Basque television stations in 1983,[177] European minority language programming was restricted to small slots in schedules dedicated overwhelmingly to productions in the majority language (Browne 2007), even in Ireland. As with other aspects of linguistic "normalisation" in Catalonia and the Basque Country, the delivery of a full range of TL programming, all hours of the day, serves as a form of televisual immersion that reinforces all levels of fluency in the TL. It also demonstrates to both minority and majority publics that the TL has cultural value and the capacity to fill every communicative niche in social and cultural life. More recently, publicly funded television stations broadcasting entirely or predominantly in the TL have been created for Irish, Welsh and Scots Gaelic.[178] Apart from an impact on the sociolinguistic attitudes and linguistic practices of their audiences, the operation of those channels is likely to have other positive impacts on the TL. For example, as well as creating employment opportunities for TL speakers within the broadcaster, by commissioning programmes from external production companies they boost local economies and therefore linguistic ecologies, and enhance TL cultural activity in the TL.[179]

[176] Although some voices have been more cautious: for example, Cormack (2007: 62) points to unrealistic expectations about television's potential in language revitalisation, given the diversity and complexity of the factors behind language use in social life.

[177] As with most other initiatives in favour of these two languages, it was the regional governments of Catalonia and the Basque Country that established, and still own, the broadcasting entities concerned. Galicia followed their example in 1985. It could be suggested that the restoration of Spain's minority languages in fields of television and education after the end of the Franco dictatorship provides a precedent for indigenous languages emerged from colonial and post-colonial suppression.

[178] Respective launch dates were TG4 in 1998, S4C in 1982 (with some English programming until 2010), BBC Alba in 2008.

[179] For example, Chalmers et al. (2013) note how BBC Alba has created employment for the "Gaelic creative class".

If this approach were replicated with indigenous languages in the Americas and Australasia, it could serve as a powerful boost to cultural production as well as to the sociolinguistic prestige of the TL. However, only one of those hundreds of languages has been made the language of a national public television channel: Māori. After launching Māori Television in 2004, which has mostly broadcast in English, in 2008 New Zealand established the Te Reo channel to focus solely on the Māori language (Lonsdale 2010, p13). In the other Anglophone settler states, indigenous linguistic multiplicity means that any single publicly funded national channel has to serve the members of dozens of different language groups, so that the majority language is the only communicative medium capable of addressing the disparate audience - indeed, it is generally the only tongue now understand by most members of many indigenous communities. This is borne out by the examples of Aboriginal Peoples Television Network (APTN)[180] in Canada and National Indigenous Television (NITV)[181] in Australia, which chiefly broadcast indigenous-made programming, but most of it in English.

Most countries in the Americas did not follow the state broadcaster model prevalent in Europe and the Commonwealth.[182] Thus, in the United States, any indigenous television broadcasting has been at the level of community-based low-power stations, such as the channel established by the Navajo Nation Office of Broadcast Services.[183] One case of state institutional support is that of TV Maya, for which a free-to-air frequency was granted to the Guatemalan Academy of Mayan Languages by the Guatemalan government in 2003.[184]

[180] This was the 1999 expansion and re-branding of Television Northern Canada (TVNC), which began broadcasting in 1992. According to the channel's website (http://aptn.ca/corporate/about.php), 28% of programmes are in "a variety of Aboriginal languages."

[181] NITV was established in 2004, broadcasting from 2007. It is part of Australia's second public broadcasting entity, SBS.

[182] In Latin American countries non-commercial television licences were often awarded to universities (either public or church-owned) and the armed forces.

[183] It aimed to "offer an opportunity for Navajo citizens to get involved in producing their own programming", with an initial educational focus. Rather than accept commercial advertising, the station invites companies "to underwrite programming in exchange for a brief mention on air" and planned to apply for further funding from the U.S. Department of Agriculture (Donovan 2011). This built upon earlier success with radio broadcasting (Peterson 1997).

[184] However, it did not begin broadcasting until 2007. TV Maya was a fruit of the 1997 peace agreements to end the Guatemalan Civil War (see http://www.tvmaya.org.gt/antecedentes.html). As noted in Chapters 2 and 3, indigenous communities suffered greatly in this conflict, both as targets and "collateral damage". Hence the

Indigenous and minority language radio stations, which are lower cost for both producer and consumer, have been much more common.[185] In most indigenous contexts these have generally been community operations, such as the first station established in Colombia in 1995 (Murillo 2008, 152). In earlier periods some of those stations had to struggle just to gain authorisation to operate,[186] but more enlightened policies have seen increasing cooperation, with some state support in terms of training, equipment provision or operational costs. In parts of Latin America, Catholic religious orders (from as early as 1956 in Bolivia) supported a number of community radio services that gave varying amounts of airtime to indigenous languages, as did Protestant evangelical groups subsequently (Browne 2007, 119-120).[187]

A community or public broadcaster need not be solely dependent on government financing: it can solicit funds from its audience, seek donations from philanthropic organisations or companies with social responsibility targets, and take paid advertising from businesses. However, as discussed previously in relation to print media, for many minority languages, and particularly indigenous and endangered languages, opportunities for commercial revenues are limited. A free market is unlikely to sustain services in such TLs, particularly in the more expensive medium of television. A situation of minimal or no provision of broadcasting services in TL can be viewed as another case of market failure, justifying the state taking the lead, whether by providing incentives to private sector actors or by engaging in the activity itself.

As in other dimensions discussed in this part of the chapter, technological advances have been lowering both practical and financial barriers to broadcasting endeavours. There are more flexible and affordable production and networking opportunities, while the possibility

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creation and funding of this channel was a measure of reparation and reconciliation, and can even be viewed as a form of LRJ.

[185] For example, BBC Radio Cymru was established in 1977 to deliver fully state-funded broadcasting in Welsh.

[186] At times this necessitated recourse to broadcasting as "pirate" radio stations, as in some southern Canadian Indian reserves in the 1980s.

[187] The March 2013 issue of *Cultural Survival Quarterly* explores a number of cases where community radio stations play key roles in linguistic revitalisation (https://www.culturalsurvival.org/publications/cultural-survival-quarterly/37-1-electronic-drum-community-radios-role-indigenous).

of transmitting via internet[188] makes it less costly to reach those communities that have internet access and some form of computer equipment (which is of course increasingly portable and affordable). This makes it more feasible for indigenous peoples to undertake television broadcasting, and in turn enables state resources to go further in providing support.

Potential measures include:

- Where the state has historically maintained state television and radio services that broadcast in the majority language,[189] it should ensure a significant presence of TL programming[190] – not a tokenistic inclusion, nor marginal in terms of scheduling. Each TL would have a local radio station and, ideally, a dedicated public television channel, with maximal community participation and control. Whether the result is a TL-dedicated service or the production of programmes for inclusion on existing channels, there should be full access to the technical, infrastructure and human resources possessed by the state broadcasting entities.[191]
- Provide funding and other forms of support to community, public-access and other non-profit broadcasting services that utilise the TL. Such support can be direct or through state institutions such as universities, and would include training of TL speakers (vocational or university courses, mentoring, internships and so forth), access to or provision of equipment and infrastructure, and favourable treatment in terms of licensing requirements.
- Prioritise the allocation of broadcasting frequencies and licences to indigenous community broadcasters.

[188] With real-time transmissions (i.e., simultaneous with the broadcast) being supplemented by the option of podcasts.

[189] This includes countries where financing of state broadcasters has been based on licence fees charged to all owners of TV sets. Indeed, the long campaign for Welsh and Scots Gaelic channels relied in part on the argument that Welsh and Gaelic speakers paid licence fees for the BBC but did not receive a relevant service in return for that contribution.

[190] This would further compliance with UNDRIP Art. 16 (2), requiring states to "take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity."

[191] This would accord with General Comment of CESCR (2009) in support of public broadcasting in regional and minority languages, as mentioned in Chapter 3.

- Support internet transmission of radio and television in TL, whether the channels are state-funded, community-run or for-profit, including supplying TL speakers with equipment and training.
- Take actions likely to increase audience share of TL programming, such as facilitating acquisition of rights to show sports coverage, or the reach of broadcasts, such as requiring corporate providers of satellite and cable television services to include any TL channels in the packages they offer to customers.
- Promote the use of TL by private sector broadcasters[192] and encourage them to commission TL programs from production companies. In TL-speaking areas this could include making licences conditional on a commitment to inclusion of the TL, such as meeting a minimum quota of TL airtime.[193]
- Subsidise subtitling or dubbing of television programs into TL. This could also be considered for motion pictures shown in cinemas.[194] However, this has the same caveat previously mentioned regarding the translation of written texts: it reduces the opportunity for indigenous peoples to represent themselves and express their own cultures, and so original content will generally be preferable.

Given the crucial importance of child acquisition of endangered languages, state actions regarding use TL in television broadcasting should give special attention to children's programmes. Such programming can simulate some aspects of the language nest inside the family home, as well as provide audiovisual material for use in schools.[195] The technological advances that have facilitated the production of animated shows have enabled that creative form to be used as a vehicle for indigenous storytelling and traditional knowledge transmission, as Hearne (2008) explores in relation to several projects involving North American Indian artists and actors. However, animation's amenability to dubbing is also an

[192] Some form of promotion is expected by UNDRIP Art 16(2), which urges states to "encourage privately owned media to adequately reflect indigenous cultural diversity."

[193] In regions with indigenous populations, as well as being conditioned on airtime for the TL, licences granted to private operators could be conditional upon other forms of support being given to TLs – analogously to the grant of mining licences requiring engagement with the local communities, such as hiring local indigenous people.

[194] As addressed by recent legislation in Catalonia (Cordonet & Forniès 2013)

[195] It is also worth keeping in mind other positive outcomes from indigenous children of seeing their own people and cultures on TV (Lonsdale 2010).

advantage: if indigenous children succumb to the allure of globally popular cartoons just as much as their non-indigenous peers do, at least they can be given the option of watching those shows in the TL.[196] Governments could assist this adaptation of mainstream media by securing the necessary legal rights for popular shows and providing trained translators and interpreters. Where multiple public channels are dedicated to TL use, one channel could focus exclusively on this age bracket, as is now the case with Catalan, Basque and Irish.[197]

Internet, social media and new technologies

Technological change has gone much further than its impact on traditional broadcasting and print media: it has created completely new forms of social communication, each of which constitutes a new space for language use – which represents simultaneously an opportunity and a challenge for minority and indigenous languages.

The key opportunity is the chance to extend the reach of TLs, in both written and spoken forms, into new domains, particularly for the youngest generation – in other words, to ensure that the "digital natives" are digitally conversing in native languages. Moreover, the collaborative nature of games and many other applications and devices has advantages for children with limited TL ability, making language learning a social activity. In communities where (as a result of cultural, social and economic circumstances) children previously had limited literate practices, suddenly they are engaged in new modes of literacy, which provides potential for the TL to be the linguistic vehicle used. The bias of these new media forms in favour of youth may limit the ability of institutions to rely on new media channels excessively for the provision of services and information – as many older persons are

[196] For example, the public Māori language channel in New Zealand has recently obtained rights to translate Dora the Explorer and Spongebob Squarepants translated into Māori (14 November 2013 http://www.radionz.co.nz/news/te-manu-korihi/227760/popular-childrens'-tv-shows-to-be-broadcast-in-te-reo-maori)

[197] The Catalan child-focused channel K3 (now Canal Super3) dates from 2001 (sharing its frequency with the cultural channel until 2006) and its Basque counterpart ETB3 from 2008. In 2009 the regional broadcaster in Galicia created a second Galician-language channel with a significant children's component. *Cúla 4*, which began in 1996 as a children's block on Irish-only public channel TG4 before being made into a stand-alone channel in 2009, collaborates with local animation companies to make new shows, and with international broadcasters to produce Irish versions of popular programmes. In Wales, the Welsh-only public channel S4C launched a children's programming block, *Cyw*, in 2008.

effectively disenfranchised – but in the case of TL promotion, it is entirely appropriate to focus on the younger generation with targeted strategies. Social media and new media channels also offer advantages in reaching urbanised and diaspora sectors of an indigenous people, who are otherwise denied many opportunities to learn and use the TL in their daily lives.

Crystal (2000, 142) argued that the expense of broadcast airtime and newspaper space meant that only the "better off" languages could afford routine use of traditional media, but "with the internet, everyone is equal". While correct regarding the potential of new media forms for TLs, his identification of equality is overly optimistic, as minority, indigenous and endangered languages still face disadvantages and differential access. For example, bilingual TL speakers generally develop their literacy practices in the majority language and lack confidence and experience in writing in the TL, especially regarding matters from domains outside home and community, such as technical, legal, and academic domains. Software and applications are less likely to be available in the TL. The small size of populations speaking indigenous languages, frequently combined with asymmetric bilingualism and various forms of educational and socioeconomic advantage, means that less material in TL will be available online. Compared to the major national and internatonal languages, indigenous languages are at a significant competitive disadvantage.

Thus, LRJ would entail various forms of action by states to exploit opportunities to increase TL use in new media while also attempting to level the playing field and increase the presence of TLs online. Measures might include:

- Provide incentives for universities and companies to develop software, games, applications and devices that enable general TL use or educational activities related to the TL.
- Supply TL speakers with equipment and training.
- Require providers of public services to offer the option of TL in social media interactions with the public.

Supporting other cultural expressions

There would seem to be wide acceptance that state institutions and other publicly funded entities have a role in promoting cultural activities and providing the necessary infrastructure, including support for film, theatre, dance, and traditional performances. In countries with minority or indigenous populations this has also extended to encouraging the artistic and cultural expressions of those communities. A commitment to LRJ would entail ensuring that due attention is given to expressions and performances conducted in the TL.

For example, in states where the local film industry is supported by direct grants or tax concessions, there could be preferences or quotas set for productions in a TL.[198] When a state institution supports the staging of an event involving traditional culture, it could ensure utilisation of the TL in signage and announcements, which may in turn encourage attendees to maximise their own TL use during the event. Further, support can be given to TL use in non-traditional cultural manifestations, such as stand-up comedy or rap music.[199]

Linguistic research and documentation

At times non-indigenous researchers, particularly linguists and anthropologists, have been seen as outsiders who treat indigenous communities as objects of study for purposes of advancing their own careers. Linguists have been criticised as more interested in a language's grammatical peculiarities than in the welfare of its speakers, and it is their academic interests that explain their concern about language endangerment, not the effect on communities (Crystal 2000, 145; Matras 2005). Yet language revitalisation practice shows that the work of linguists is frequently of vital importance. Linguistic labours result in a range of outputs for use by communities: orthographies for previously unwritten languages; grammars and dictionaries that provide the basis for teaching efforts, and in many cases textbooks and

[198] There could also be preference given to TL speakers for some employment positions in cultural domains, as seen in ECRML art. 12, which requires states to "promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned…"

[199] These are the cultural forms utilised by media personalities studied by Moriarty and Pietikäinen (2011, 375), who note that such media exposure has "potential knock on effects" in domains such as education, while their performances demonstrates that the TL has "coolness" and "can function as a medium for cultural production and social communication that the younger generation ... find meaningful, interesting and definitely worth doing".

teaching materials as well; audio and video recordings of older speakers narrating oral traditions and demonstrating ancient techniques; archiving systems so that material will be available to future generations (Laughten 2013, Kondic 2014).

Such work requires trained and experienced professionals, and where highly endangered languages are involved there is particular urgency to undertake recordings and other forms of documentation.[200] For communities that have been undergoing significant language shift for more than a few decades, many young and middle-aged adults are likely to have limited knowledge of the traditional tongue. Recording conversations and interviews with the community's elders creates resources that younger generations, and future generations, can use when they are ready to recover their linguistic heritage. Simultaneously, recording can also help maintain or recover a range of important cultural traditions that are intertwined with the linguistic aspects, such as music, dances, songs, and other forms of performance, as well as religious rituals.

The state response to this need should thus have two prongs. Firstly, it can provide support for research and documentation work into TLs, and then the distribution of results, whether through direct funding of such work,[201] by intermediating the acquisition of resources from an external source, or by requiring public universities and research institutions to dedicate attention to it.

Secondly, it should intensify efforts to train indigenous community members in linguistics research, documentation and other revitalisation-related labours. As with teacher training, this also implies a heightened focus on ensuring that children in TL communities receive high

[200] Support for documentation of a highly endangered or moribund language would be necessary in order to make certain UNDRIP rights meaningful and effective, so that future generations have the necessary foundation for recuperating their traditions. Such rights include those specified in Art. 11(right to practise and revitalize their cultural traditions and customs, including "the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as… performing arts and literature); Art. 12 ("right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies"); Art. 13(right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons).

[201] For example, Pearson (2007) calls for a generous government-funded campaign for the maintenance of each Australian indigenous language employing full-time linguistics and other expert staff.

quality schooling, including increased presence of the TL, as well as support for their move into tertiary education, such as scholarships and mentoring schemes. Both dimensions are also predicated upon classes about TL being taught at universities.

Universities and adult education

Increasing the presence of a TL in universities is a way of taking it into another "higher" domain that has historically been dominated by majority languages. It would also reduce the social and economic disadvantage faced by TL speakers, give continuity to the educational experience of students who completed secondary schooling in the TL, and provide an additional motive for future generations of students to be schooled in or about the TL at secondary level.[202] As well as having the consent of TL community members, there would need to be careful consideration of due inclusion of indigenous cultural perspectives, balanced with any preference for guarding traditional knowledge from generalised diffusion.

Measures of state support in the field of higher education include:

- Establish university programmes conducted in TL. Among other consequences, this would create a base of students able to engage in linguistic research, train as teachers, interpreters or translators, contribute to local projects of language revitalisation, or take the TL into employment in public institutions or professional fields.
- Create a university that functions entirely in a TL. This would be another significant boost to its status and related sociolinguistic attitudes, with positive flow-on effects in terms of employment opportunities, commitment to TL studies in secondary schools, and impact on research and publications in the TL.[203]

[202] There is also a legal obligation, as the wording of the right to education in UNDRIP Article 14(2) clearly implies its application to indigenous adults: "Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination. 3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language."

[203] In recent decades indigenous universities have been created in parts of Latin America, such as the Intercultural Indigenous Autonomous University (UAIIN) in Colombia, and a number of intercultural universities and intercultural institutions of higher education in Mexico. However, being generally staffed and attended by members of a number of ethnolinguistic groups, including communities in which younger generations are unlikely to speak the ancestral tongue, the majority language still dominates administration,

- Use TL as medium of instruction in other types of post-secondary education, such technical and other more vocationally oriented forms of training. This would also help extend use of TL into the associated vocational fields, thereby taking the TL it into new domains and incorporating it into the daily lives of broader sectors of society.
- Establish university programs or classes about the TL, and incorporate such classes in programs of studies regarding the respective indigenous peoples.
- Set up centres within universities that have a particular focus on studies related to the TL[204] or create and fund professorial chairs.
- As with the education of children, inclusion of classes about indigenous language and culture in university education of majority members[205] would raise perceptions of the value of the TL in majority society.
- Utilise new technologies to make TL learning resources available to the wider public.[206]
- Support adult education classes in which the TL is taught to community members who lack competence; or, if acceptable to the community, to interested non-members. Grassroots language classes already exist in many indigenous communities, taught by language activists in cultural centres and other community facilities.[207] A possible model

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teaching and research. These institutions were also created to reflect a broad range of needs, interests and aspirations, and to address historic problems of educational exclusion, social marginalisation and economic disadvantage – strengthening or revitalising languages is therefore just one priority. Nonetheless, in addition to incidental social use among staff and students, they provide opportunities for TL-related research or courses, as well as being environments favourable for the training of committed TL teachers and professionals.

[204] The University of Hawaii at Hilo stands out in various respects. Its academic units, Hale Kuamoʻo (Center for Hawaiian Language and Culture Through the Medium of Hawaiian) and Ka Haka ʻUla O Keʻelikōlani College of Hawaiian Language, offer in-depth studies of Hawaiian at both undergraduate and postgraduate level – including a Masters that was the first in the United States to focus on an indigenous language (http://hilo.hawaii.edu/academics/hawn/#hale; http://hilo.hawaii.edu/catalog/ma_hll.html).

[205] This would meet the recommendation in CESCR General Comment 21 to include such programs in the school curricula for all students, not just minorities and indigenous peoples, as well as address the asymmetric bilingualism identified by authors such as Pou Giménez (2012).

[206] For example, interactive learning and other resources can be made available through the websites of language management institutions, public broadcasters and universities, as exemplified by http://www.korero.maori.nz/forlearners/, http://www.bbc.co.uk/wales/learning/learnwelsh/, http://welshlearners.southwales.ac.uk/

[207] See, for example, the list of indigenous language classes offered in Mexico by a combination of universities, state bodies and community-based organisations: http://www.inali.gob.mx/pdf/DIRECTORIO_CURSOS_ACTUALIZADO.pdf

from other contexts is the Ulpan, developed in Israel to teach Hebrew to immigrants, and subsequently adopted (using the same name) for educating adults in Welsh and Scots Gaelic.

Other revitalisation initiatives by communities

Indigenous communities all over the world have engaged in grassroots efforts to maintain and revive their ancestral languages. This was made abundantly clear by the preceding components of this chapter's survey, which showed that communities have been busy establishing schools, language nests and master-apprentice programs, collaborating with linguists and educators, and operating radio and television stations, amongst others. There are also many other activities being undertaken by community members motivated to act in favour of their ancestral languages.[208] These include the creation of cultural centres, libraries, resource centres; the recording of performances and oral histories; and the compilation of word lists and data bases. Any of these activities may also have various degrees of collaboration with academic institutions and interested NGOs. However, they tend to be based on the voluntary labour of community members with a passion for maintaining and reviving their linguistic heritage and other aspects of their traditional culture. Thus the success of these projects will depend on the time and energy that the enthusiasts can spare, and is at risk when those individuals have died or become unable to participate.

State support – which could be in the form of payments to staff, loans of skilled personnel, training sessions, scholarships, or provision of computers and other material resources – would, as well as complying with Article 13 of UNDRIP,[209] make a significant contribution

[208] Language endangerment and revitalisation scholarship supports the significance of these initiatives. For example, Tsunoda (2005, p. 21) notes the 'central and invaluable role' performed by language centres and community programs in the maintenance and revitalisation of Australian Aboriginal languages.

[209] Under which states must take effective measures to ensure protection of the right of indigenous peoples "to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures."

to sustaining such endeavours.[210] In turn, that it would be contributing to the sustainability of the languages themselves.[211]

Language management institutions

Given that a multiplicity of state organs have responsibilities that touch upon language, the delivery of LRJ would require some degree of central planning and coordination. A variety of private and public entities have been created to focus on language policy in relation to a specific TL or group of TLs. The archetype is the language academy, one of which exists for many European minority languages,[212] in turn modelled on the centuries-old national academies devoted to dominant languages like French and Spanish. To date, very few academies have been established for indigenous languages in the Americas[213] and Australasia.[214] In contrast to the paucity of indigenous language academies, every Hispano-American country has its own academy for the Spanish language, generally established in the nineteenth century, resulting in twenty-two national academies dedicated to Spanish. A language academy may, as the name implies, take a very academic approach and that emphasises linguistic and cultural research, including the creation of dictionaries and

[210] Zuckermann et al. (2014) propose that this kind of support for community revival efforts be made by Australian governments as a form of compensation for language loss. They label their approach "Native Tongue Title" by analogy with the concept of native land title.

[211] The recent languages survey by the Australian Institute of Aboriginal and Torres Strait Islander Studies disclosed that at least 30 languages were being more widely utilised as a result of successful community-based language programs (Marmion et al. 2014).

[212] Such as Institut d'Estudis Catalans ("Institute for Catalan Studies), Euskaltzaindia (Royal Academy of the Basque Language) and the Royal Galician Academy, created in 1907, 1919 and 1906 respectively.

[213] Exceptions are the Guatemalan Academy of Mayan Languages (created by a 1990 law), the Academy of the Mayan Language (in Mexico; established in 1937 and supported by the government of Yucatán, one of three states where Yucatec Maya is spoken), and the Academy of the Mixtec Language (also in Mexico, since 1997). In Peru there is the High Academy of the Quechua Language, first founded in 1954 and given a legislative imprimatur in 1990; however, it is a much-criticised institution that has had a conflictive relationship with education authorities, grassroots organisations and professional linguists, as discussed in Marr (1999). The passage of Paraguayan language legislation in 2010 was followed in 2012 by the creation of the Academy of the Guaraní Language.

[214] In the Pacific there is the Academy for Kanak Languages (Académie des Langues Kanak) established by the territorial government of New Caledonia in 2007, deriving from the 1998 Nouméa Accords that increased the territory's autonomy.

grammars, but if the language concerned is threatened or minoritised, it may also have objectives of TL promotion. The academy may play the main role in corpus planning – that is, developing the linguistic resources of the TL, such as coining scientific, technological and legal terminology, compiling lexical databases, and determining which grammatical and orthographic alternatives are accepted as standard.[215] Clearly, there are significant costs entailed by this kind of work, in addition to the expense regarding the creation and maintenance of such an institution.

An academy is unlikely to be the appropriate solution for many TLs, such as those with few speakers or without practices of literacy. Importantly, it may not suit the needs and preferences of the TL community, but it is certainly a model that can be considered where that community wishes its language to be standardised and developed to be apt for all domains of use. Where there are a multitude of small but related languages, it may feasible to create an institution that covers the entire grouping, along the lines of the Guatemalan Academy of Mayan Languages[216] and the Academy for Kanak Languages,[217] thereby permitting some economies of scale as well greater levels of coordination with the state and other institutions.

In other contexts, at both national and sub-national levels, a board, commission or similar state-funded entity has been established and given responsibilities related to a given language or languages. Most are concerned with a single language, generally being the one that is both official for administrative purposes and the language of the population majority;[218] if this is not a major international language, those responsibilities may include some corpus

[215] If there is sufficient demand, for example if use of a TL becomes obligatory for all governmental operations in a jurisdiction, it may be possible for a private agency to fulfil some of these functions, as happens with respect to some state languages: for example, in Finland there is a Centre for Technical Terminology which provides terminology-related services to member companies and institutions and to paying customers, as well as the Lexical Committee of the Finnish Medical Society. This is in addition to the Government Translation Unit, which has its own terminology bank (Latoma & Nuolijärvi 2005, 209-211).

[216] Which now covers 22 distinct language communities (http://www.almg.org.gt/index.php/comunidades). It is also responsible for TV Maya.

[217] The website of the Academy for Kanak Languages lists 32 languages (http://www.alk.gouv.nc/portal/page/portal/alk).

[218] Such as the Office Québécois de la Langue Française.

planning.[219] In the case of minoritised languages, the functions of a board or commission are likely to be focused on advancing objectives set by legislation or some other instrument of state language policy, involving promotion of the TL, monitoring compliance with legislative requirements, advising public and private bodies on those requirements, and reporting to the government or legislature. Such entities include the Māori Language Commission, Foras na Gaeilge (for Irish in both Northern Ireland and the republic), Bòrd na Gàidhlig (for Gaelic in Scotland) and the Pan South Africa Language Board.[220]

Other responsibilities may include the undertaking of censuses, mapping or diagnostic studies of the sociolinguistic circumstances of all the country's indigenous languages as a basis for making planning decisions. Examples of such data collection include the sociolinguistic surveys carried out by the INALI in Mexico, the Sociolinguistic Auto-Diagnostic provided for by the Colombian Native Languages Law of 2010, or the Ethnolinguistic Map mandated by Peru's 2010 language law. In Catalonia a survey on language use is conducted annually as a joint exercise by the language policy unit of the regional Ministry of Culture and the Catalan Institute of Statistics, enabling evaluation of policy outcomes.

In several jurisdictions the post of language commissioner has been created, including Canada, Wales, Ireland[221] and Kosovo, and at Canadian provincial levels in New Brunswick, Ontario[222] and Nunavut.
Part of the work of their offices is akin to that of an ombudsman:[223] dealing with complaints from TL-speaking citizens over breaches of their legally recognised linguistic rights, principally with respect to interactions with public entities that have not complied with requirements with respect to the languages concerned. In the absence of a body charged with investigating and making recommendations, the only avenue for enforcement of minority

[219] For example, this is the case for the Dzongkha Development Commission (in Bhutan), and even for languages as important as Indonesian, which has the Badan Pengembangan dan Pembinaan Bahasa.

[220] And also the Welsh Language Board from 1993 until its replacement by the Welsh Language Commissioner in 2012.

[221] The strengths and weaknesses of the first three commissioners named are analysed in depth in Williams 2013b.

[222] Title: Office of the French Language Services Commissioner of Ontario. Its New Brunswick counterpart mirrors the federal body by being concerned with both English and French, whereas the Nunavut Languages Commissioner has a remit to address the linguistic needs of French and Inuktikut speakers.

[223] Indeed, in Catalonia, language rights complaints are addressed by that polity's regional Ombudsman.

language rights is likely to be the court system, with associated expense and delay. Thus an appropriately designed and resourced authority, with a sufficient degree of independence from the government of the day, may be able to protect the right of TL speakers to receive services.

Another approach is to establish a ministerial or bureaucratic responsibility for a TL or for multiple TLs. Thus, the culture ministries in both Catalonia and the Basque Country have long had divisions dedicated to language policy, and Paraguay created a National Secretariat for Language Policies in 2010. Although less likely to deliver academic rigour or institutional autonomy, in some systems an insertion of TL responsibilities into state governmental structures may be a preferred way of ensuring a high level of attention for LRJ. On the downside there is a risk of politicisation of language issues; whilst the possibility of excessive bureaucratisation is perhaps something shared with boards, commissions and even academies. Moreover, it would not be surprising if indigenous communities feared that their languages were, like so much else of their cultural and material resources, being appropriated by the state and settler society elites.

A significant advantage of having TL issues handled by a state-funded entity is that it can be empowered to interact with other public bodies in order to optimise implementation of LRJ goals. For example, the authorities responsible for Welsh, Irish and Scots Gaelic are responsible for assisting public sector bodies to prepare the plans, policies or schemes that they are statutorily obliged to produce regarding their use of the TL, and of monitoring the results.

Of course the members of an indigenous community may well conclude that they do not want decisions to be made about their language by a state body or another institution dominated by majority society members, just as an association of academic or missionary linguists. In that scenario, LRJ would imply that there be provision by the state of whatever resources are required to establish and maintain a community-based organisation that is itself responsible for designing and implementing LRJ measures.

Expanding into new domains: encourage use in private sector and civil society

As frequently mentioned in the course of the preceding discussion, the actions of state institutions are able to impact, directly or indirectly, on the attitudes and activities of private sector actors, be they individuals or organisations. The execution of the kinds of measures outlined in the preceding subsections will almost inevitably have broader effects.[224] At the very least, a new visibility of the written TL and its increased presence in schools and broadcasting may lead fairly naturally to a cross over into private enterprise and civil society, as more and more people develop an awareness of the justness – or simply even the feasibility – of bringing the TL into more aspects of social life. In some cases the public sector example may spur TL use based on the profit motive, as a way to attract customers from the TL-speaking community.

However, there is also scope for state actions to be developed with the objective of actively promoting the use of indigenous languages in non-state domains, for example:

- Encourage utilisation of the TL, in both internal activities and external interactions, by civil society organisations and private businesses. Such encouragement could include publicity campaigns, the provision of financial incentives such as tax concessions, the bestowing of special recognition for TL-favouring efforts, or the imposition of TL-related requirements on the awarding of government contracts.
- Audit and amend existing laws and regulations so that there are no impediments to TL use (for example rules that require transactions or documents to be in the majority language for them to be valid[225]).
- Encourage the private sector to undertake some LRJ tasks: for example, a commercial broadcaster could train indigenous individuals to produce using TL, provide equipment, or allow translation of programs.
- Provide information to private sector and community entities on ways to use the TL in their workplaces, publicity or supply of services.[226]

[224] And, indeed, are an essential pre-condition: as noted by Rubio-Marín (2003: 65), public visibility is necessary "to enhance the capacity for empathy of the average citizen who may never have experienced linguistic exclusion" personally.

[225] Thus ECRML Art. 13 expects states to include provisions in their financial and banking regulations to permit the use of TLs in financial documents, and to eliminate any provision limiting ("without justifiable reasons") TL use "in documents relating to economic or social life", especially employment contracts and technical documents.

[226] Such efforts are apparent from the websites of the respective authorities for Māori, Welsh and Irish.

- Encourage utilisation of the TL in religious services and by religious organisations. This is particularly apt given that evangelisation was a force that contributed to loss of traditional cultures in colonised areas.
- As already mentioned, require some inclusion of indigenous language and culture in curricula in non-indigenous schools, both state and private.
- In states where the private sector is responsible for providing educational and health services, TL speakers' rights to use the TL in their interactions will not be effective unless the private sector providers are also bound by TL requirements.
- Promote sporting and other activities in which TL is used.
- Maintain a register of translators and interpreters available to assist businesses and individuals.

Intermediary for international networking and funding

European colonial rule tended to draw administrative borders on conquered landmasses without regard for the original inhabitants, leaving many indigenous peoples spread across more than one country.[227] For a TL-speaking population divided by an international frontier, a coordinated cross-border approach to LRJ measures would permit pooling of LRJ resources, strengthen ethnic solidarity, and take advantage of a critical mass that would enhance the success of measures.[228] Thus there could be a combined effort in two or more countries with respect to production of educational materials, training of teachers, broadcasting activities, funding of a language academy, awareness-raising campaigns, accreditation of translators and interpreters, and other measures.[229] Whatever the level of

[227] Prominent examples in the Americas include: Aymara, split between Chile, Peru and Bolivia; Mapuche, the biggest indigenous group in both Argentina and Chile; Wayúu, divided between Venezuela and Colombia; and the Blackfoot, Mohawks and Sioux, all with communities on both sides of the US-Canadian border.

[228] ECRML addresses this aspect in its Art. 14 on "Transfrontier exchanges", requiring states to create, or apply existing, bilateral and multilateral agreements so as to foster cross-border contacts between users of a common language "in the fields of culture, education, information, vocational training and permanent education" and "to facilitate and/ or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form."

[229] An example of a cross-border language agency is Foras na Gaeilg, established in 1999 pursuant to the Good Friday Agreement for peace in Northern Ireland. It was given responsibility for the promotion of the Irish language throughout the whole island of Ireland, replacing a body that whose funding and functions were limited to the republic of Ireland.

indigenous or minority self-government within any state, and the strength of indigenous networking, some collaboration from the national governments and public institutions of the relevant states would facilitate pro-language endeavours, and may even be essential.[230]

Aside from the situation of neighbouring countries, national governments are also in a favoured position to engage in other types of international interaction to support language maintenance and revitalisation efforts by indigenous communities. Governments have resources and communication channels that can complement the impressive networking and outreach work of indigenous political and cultural organisations. As noted previously in relation to language nests and similar programs, states can provide support so that local indigenous communities and organisations can conduct exchanges of knowledge and experiences with their peers abroad. An LRJ endeavour is likely to benefit if lessons are learned from the attempts of communities elsewhere, and successful techniques adapted, rather than pouring limited resources and energies into "reinventing the wheel".

There are also a range of foundations, research institutes and other institutions that are willing to share their expertise in language revitalisation, linguistic documentation, bilingual education, or other fields pertinent to LRJ efforts, and/or grant funding to organisations that are undertaking such endeavours. There will also be universities in other countries that are able to collaborate in similar ways. Government ministries and other public entities – notably universities, cultural bodies and research centres – can use their various advantages to act as intermediaries, linking such foreign institutions up with indigenous communities and organisations within their own country.[231] Obviously, to accord with LRJ principles, this intermediation would need to be carried out without imposing their own decisions or

[230] Indeed, such collaboration is expected by UNDRIP: Art. 36 (1) Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

[231] They would thereby be furthering UNDRIP Art. 39, which recognises the right of indigenous peoples "to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration" (in this case, the rights to be thus enjoyed are those relating to language and culture).

otherwise limiting the control of indigenous communities of their own language-related activities.

CONSTITUTIONS, LAWS, POLICIES: POLITICAL AND LEGAL FRAMEWORK FOR LRJ

The principles underlying LRJ require states to take concrete actions, such as those outlined in the surveys of pro-language actions presented later in this chapter. Importantly, those principles also imply that such actions should be part of an integrated programme, representing a sustained commitment rather than an ad hoc response to the demands of the moment. In turn, this would generally entail setting the programme within some kind of regulatory or administrative framework. It seems reasonable to expect that there would at least be an ongoing state policy or program, which may or may not be anchored within a statutory framework. Beyond legislation, there could also be a constitutional requirement regarding the cultural rights of indigenous peoples and state obligations in that respect.

Is there a preferred legal foundation for LRJ programmes?

To some extent, diversity in the legal vehicles selected for dealing with indigenous languages may simply reflect each politico-legal system's preferences regarding the best approach for establishing institutions and providing government services. It could be argued that what really matters is sufficient commitment for appropriate measures to be devised and consistently implemented, and that this would also hold if a serious national LRJ endeavour were undertaken. However, as Chapters 6 and 7 will show, such commitment may waver. For the adequacy and continuity of LRJ programmes to be guaranteed, they would need a solid legal foundation, but also multiple anchoring points across the legal hierarchy and state institutional structure.

Constitutional recognition of indigenous languages and associated state responsibilities would be the ideal means of giving a legal foundation to state LRJ obligations for various reasons. This can serve a symbolic purpose as a step towards reconciliation and to "getting relationships with indigenous peoples right" (Thompson 2002): a solemn declaration of the commitment made by the state – and the majority society – to redress the linguistic and other cultural consequences of past injustices committed against indigenous peoples. The word

"symbolic" may seem virtually synonymous with "inaction", as it implies words and gestures rather than deeds – and given the tendency of constitutional texts to favour wording with an inspirational flavour, the word-to-deed distance may seem particularly great. However, from a sociolinguistic perspective, even a symbolic statement of recognition is significant, as it raises the prestige of the language acknowledged, which has an effect on language attitudes. Higher prestige in the eyes of the minority speech community may motivate them to use it more often, use it in more domains, and ensure it is fully transmitted to the next generation (Fishman 1991). On the other side of the coin, members of the majority may also react positively to the higher prestige, thereby creating a virtuous circle of acceptance that further empowers minority members to speak, write and transmit their language (de Bres 2011, 365). Such an attitudinal change will have particular impact if a country has been dominated by a language ideology that sees national unity as threatened by linguistic multiplicity (UNESCO 2003).

As will be seen in Chapter 5 in relation to Colombian jurisprudence, the existence of a constitutional clause recognising rights to use indigenous languages can make a practical difference when communities or individuals take their grievances to the courts, striking down attempts to place restrictions upon free language use. Similarly, provisions of this type – or that declare cultural and linguistic diversity to be a national treasure – might serve as the point of departure for fuller pro-language legislation, as with Colombia's Native Languages Law. However, there is no guarantee that constitutional articles relating to indigenous cultures and languages will be amplified in legislative enactments, or otherwise result in government actions on the ground. In most jurisdictions only a generous judicial interpretation[232] would construe a very general, aspirational wording in a constitution preamble as imposing specific duties on a state to provide more comprehensive support for indigenous languages. If the objective is LRJ, constitutional provisions on language would need to charge the state with positive duties to protect and promote the indigenous languages within its frontiers. If such obligations are writing into the constitutional text, it is more likely that inaction by governments will result in court orders to comply with those duties.

[232] Perhaps comparable to the progressive interpretations of international instruments being rendered by the IACtHR, explored in the previous chapter.

No matter how explicit they may be regarding state obligations, it is unlikely that constitutional provisions could contain sufficient detail to constitute the entirety of an LRJ initiative. Rather, they would be the secure juridical underpinnings upon which the legislative and executive arms of government construct a serious and adequately funded scheme to provide LRJ to indigenous communities. Depending on the prevalent institutional and decision-making arrangements, the vehicle for a fuller LRJ scheme could be a dedicated legislative enactment; a regulation that expands upon a general law; an enunciation of policy by a ministry or other organ of the state's executive branch; or the announcement of a specific programme or project. If there is continuity even through changes of government, no contradiction from subsequent legislative enactments, and sufficient resourcing and other forms of state commitment, then a policy or programme may be a suitable vehicle for the delivery of measures of LRJ.[233] However, both are subject to the vagraries of politics and position in the legal hierarchy, and are less likely to have the potential for enforceability through the court system in the event of non-compliance with their terms.

Regardless of the framework selected, and whether or not there is an express constitutional underpinning, what is crucial is that the scheme be: securely anchored as a state commitment that withstands changes of government; guaranteed the necessary funds; and protected from conflicting actions by other entities.

There is also the requirement to satisfy the international legal standards that were analysed in the preceding chapter. A state commitment to those standards could compensate for any failure to spell out obligations in the constitution – especially if the domestic legal system accords the relevant international instruments a status of constitutional equivalence, as with the Colombian jurisprudence regarding the "block of constitutionality". Importantly, the detail given in some treaties and conventions can fill lacunae in national laws, of whatever rank, particularly when the guidance of UN treaty bodies is taken into account.

[233] Note that this is not necessarily the case with current policies. For example, according to OLBI (undated), "the most serious omissions in these provincial policies are that they tend to be declaratory in nature, providing no details on the technical and financial resources available or target application dates. Canadian language policies regarding First Nations peoples remain tentative and will take some time to lead to formal commitments".

Of course, the relevant international law also foregrounds the principles of indigenous self-determination and prior and informed consent, which are buttressed by the tenets of the reparative justice approach elaborated in Chapter 2. This means that the optimal legal and administrative arrangements for LRJ are ones that would enable both planning and implementation to be oriented by the wishes of the indigenous communities concerned, and maximise their involvement at all stages.

COMPLEXITIES REGARDING RESPECTIVE ROLES FOR STATE AND COMMUNITY

The above actions are merely some of the vast range of actions that have been attempted in order to protect and promote indigenous and other minoritised languages and secure the linguistic rights of their speakers. The suitability of each will depend on the circumstances, such as the funds available to governments, the number and location of speakers, the vitality of the language, and a range of social and economic characteristics. Most importantly, the approach chosen must be dependent on the will of the community whose language it is, rather than forced upon it by the state – such an imposition would be contrary to the aims of true reparative justice.

That brings us to a broader set of concerns regarding the responsibilities of the state, and indeed of majority society,[234] versus the decision-making and action-taking agency of the indigenous communities whose languages would be the object of LRJ efforts. There are many sensitive issues that can arise from an outside person or entity's involvement with an indigenous community's language (McCarty 2008a; Warner 1999; Matras 2005), not dissimilar from those related to the more general question of "ownership" of indigenous culture (Brown 2003). This sensitivity can be analysed as a reaction to generations of the colonising society and state imposing their will upon indigenous communities, whether by actual violence or by the implicit violence behind the law and state institutions. With respect to languages, there can be backlash against the past working practices of linguists who were perceived as using indigenous informants to build academic careers, or as having

[234] The role of majority society may indeed be one of the most important factors, given that in a state with democratically elected institutions LRJ schemes will neither be commenced nor continued without the majority's approval. As noted by May (2000: 379), long-term success of minority language initiatives "may only be achieved (or be achievable) if at least some degree of favourable majority opinion is secured."

misappropriated and betrayed cultural secrets (Newman 2003; Matras 2005). There can also be community members who resent being told by an outsider that they lack competency in their ancestral language, whilst that outsider claims to have mastery of it (Warner 1999; Grenoble & Whaley 2006). More idiosyncratically, there are communities that do not want outsiders to know anything about their language, seeing it as something sacred that needs to be kept from the eyes and ears of the world (Debenport 2010). Such a stance may also arise independently of religious attitudes: (Spolsky 2009, 25-26) notes a survey revealing that, while a large portion of Māori individuals were willing to share their culture and language with non-Māori, another sector believed that "Māori culture and language should be the exclusive domain of Māori."

As well as indigenous communities that refuse to collaborate on LRJ efforts because they see their heritage or cultural control at risk, there may be others that do not want LRJ because they see their future as dependent on the majority language and are willing to leave their ancestral tongue behind – possibly because of "resigned language realism" (May 2012) about the labour and resources required to revive a language, rather than hostility towards their heritage. Given that the conceptualisation of LRJ identifies an absolute state obligation to make reparations, in both extreme cases the state is still obliged to exercise its responsibility. To refrain from action because of complex circumstances, as "advocates of the benign neglect position" (Nettle & Romaine 2000: 153) would seek, would mean that there has been no settling of the historic debt. If a community wishes to deny the state and non-indigenous experts any role in language maintenance and revitalisation, there is no option left to the state but to provide the recalcitrant community with a quantum of resources that discharges the state's responsibility. However, just as contemporary linguists have adapted their manner of working with indigenous communities so as to respect the latter's wishes – for example, by accepting that community members are the "custodians" of their ancestral language (Meek 2010, 138) even if they have limited abilities in it, or by devising ways to protect confidentiality (Debenport 2010) – so too can state representatives develop approaches that would enable LRJ measures to be applied in accordance with community wishes. It is the communities, rather than the post-colonial state authorities and the experts from settler society's educational institutions, who are entitled to make the decisions about how LRJ is implemented, and the authorities and the experts then have the task of assisting with that implementation to the extent that the community wants them to assist.

Further, even if the state is currently the repository of the expertise necessary for LRJ efforts, it could ensure that those activities are sustainable and endogenous to the community by actively training community members in the acquisition of that expertise. This would also hold for any public or private university or research institute occupying such a position. This is the approach taken by programmes that give training in the Basque Country to Latin American indigenous language activists (González Garzón 2013); to the work of INALI in developing its indigenous staff in sociolinguistic work (Nava 2011); and by the Masters of Ethnolinguistics at Colombia's University of Los Andes in the 1980s and 1990s, which produced indigenous graduates who were able to develop ethno-education programmes in their home communities (Aguirre Licht 2004). The development of a new generation of indigenous community members with the necessary skill set to carry LRJ activities forward could be achieved in little more than a decade through targeted educational support in those communities.

Who speaks for an indigenous community?

A further difficult question is that of who speaks for an indigenous community. Within Colombian indigenous political life there is frequently a tension between traditional leaderships and activist organisations, yet as Rappaport (2005) notes, there is also a divide between political leaders and indigenous cultural intellectuals. It is among the latter where we can expect to find the language activists and educators, whether professionally qualified or self-taught, and there is no reason to expect that their interests and preferences will necessarily align with those of the political class. Whereas the wishes of the political class would tend to prevail on most issues, perhaps it would be preferable to find a consultation approach that gives a voice to those who are most involved with language work, rather than to the sectors that normally make decisions. For example, a consultative body could be elected or appointed (whether by the political leadership or the broader community) to exercise responsibility for all language-related decisions and actions. At the same time, it must not be forgotten that persons who compose the cultural and educational sector also have their own interests – such as job security, remuneration levels or working conditions – and therefore cannot be guaranteed to make the decisions that are best for the rest of the community, or even for the vitality of the TL.

As with the other challenges just mentioned, this particular complexity does not justify giving up on the LRJ project altogether. Much as Latin American governments are reaching a new modus operandi for negotiating with indigenous peoples about land, welfare and development issues, so too would they be able to find a workable way of dealing with the varied positions of those peoples with respect to efforts to protect, promote, maintain and revitalise their vast diversity of native languages. The challenge of achieving a workable outcome in this respect will be made very apparent in the Colombian case study that constitutes Part B of this thesis. The analysis of the Colombian language policy scenario demonstrates many of the complexities and contradictions discussed in this section, as well as highlighting some of the obstacles in the path of any effort to provide LRJ.

PART B

CASE STUDY OF LANGUAGE POLICY IN COLOMBIA:

DO RECENT DEVELOPMENTS IN LAW AND POLICY DELIVER LINGUISTIC REPARATIVE JUSTICE FOR COLOMBIA'S INDIGENOUS PEOPLES?

CHAPTER 5:

CONTEXT OF COLOMBIA'S NEW LANGUAGE POLICIES: PAST AND PRESENT OF THE STATE'S RELATIONSHIP WITH ETHNIC GROUPS

As the first component of the Colombian case study constituting Part B of the thesis, this chapter examines the social and political context in which the Culture Ministry's PPDE and the Native Languages Law were developed. It thereby prepares the ground for my examination in Chapter 6 of the processes of policy development and implementation, and for the broader evaluation in Chapter 7. The reader will recall that Chapter 1 set out the methodological composition of this case study, with supporting detail supplied in the appendices. That discussion of the "how" of the case study will now be supplemented by a consideration of the "why": that is, the first section of this present chapter explains the rationale for selecting Colombia as the subject of a case study to examine LRJ. It notes that in some ways Colombia is typical of the countries where LRJ would be applicable, while in other respects it is quite atypical. That mix of characteristics is apparent in the subsequent section, in which I present the most salient features of Colombia's present day political system and social context, including the impact of the armed conflict – the feature that most distinguishes Colombia from other states in which LRJ is likely to be owed. That is followed by an exploration of relevant factors regarding the three categories within the country's ethnic minority population: indigenous peoples; Afro-Colombian communities, including two creole-speaking minorities; and the small Roma or gypsy community.[235]

The chapter then proceeds to examine the history of the positions taken by the Colombian state and society with respect to the ethnic groups and particularly to their languages. [236] This historical analysis, in addition to providing further background for understanding the policy processes unfolding since 2008, gives an overview of the past injustices inflicted on Colombia's indigenous peoples and other minorities, and the degree of "linguistic damage" that resulted. The analysis also indicates the extent to which the Colombian state has failed to

[235] This is a brief summary only, addressing only those peoples or aspects that are specifically covered within this Part B case study.

[236] Fuller detail on relevant historical events, including some that occurred outside Colombia, is included in the chronology in Appendix B.

discharge its international obligations with respect to indigenous languages and linguistic rights, thus building the case for a call for LRJ. It shows how developments in Colombia have been influenced by external phenomena, and how state decisions and actions regarding ethnic groups have been subordinated to other political and economic priorities, despite significant variations between different historical periods.

To close, the chapter looks at the ministries and other state bodies that had roles in the formulation of the PPDE and Native Languages Law, leaving the reader prepared for the analysis of those developments in Chapter 6.

THE APPROPRIATENESS OF COLOMBIA AS A CASE STUDY REGARDING LINGUISTIC REPARATIVE JUSTICE

The conceptual framework of LRJ outlined in Part A of this thesis is prima facie applicable where indigenous peoples conquered by European colonial expansion remain subordinated within states that emerged from the colonial period with the settler population retaining political and economic dominance. As made apparent in Chapter 4, this categorisation embraces, at a minimum, the United States, Canada, Australia, New Zealand, Brazil, and most of the Spanish-speaking countries in the Americas,[237] with Colombia ranking among those Hispanoamerican states. Colombia's indigenous citizens approximate a mere 3% of the national population, within a state that represents the continuation of a Spanish colonial jurisdiction in more than merely territorial terms (for example, extending even to the composition of its ruling elite). The historical vicissitudes undergone by its indigenous populations in the colonial period and the first century of independence, as summarised in the analysis that follows, are broadly comparable with those experienced in the other countries in this category, including the consequences on native language practices. Thus, with respect to its responsibility to provide morally-based LRJ, Colombia is not greatly divergent from those

[237] As seen in Chapter 4, there are strong grounds to regard Sweden, Finland and Norway as owing LRJ to the Saami, and so too Russia with respect to a range of indigenous peoples in its Arctic, Siberia and Far East regions; similarly for the French overseas territory of New Caledonia. Although not involving European expansion, the situations of Japan's Ainu and the Aboriginal peoples of Taiwan demonstrate close parallels that suggest LRJ may be an applicable framework.

other states. By being a typical representative of the group in this regard, it would appear to be acceptable as a subject of a case study regarding LRJ.

As a developing country, Colombia contrasts with the English-speaking settler states – so if Colombia proves able to deliver LRJ, the wealthy Anglosphere would have little excuse for not doing so. Obversely, that development level means it would serve as an appropriate benchmark for its Latin American peers with respect to their own provision of LRJ. Colombia is noted for its strong indigenous organisations and for a high official recognition of indigenous rights, with channels of political participation for indigenous leaders and official embrace of multiculturalism; as such, a study like this one may indicate whether that enhances prospects for LRJ.

However, its great point of departure from the other Latin American states and those in North America and Australasia is also something that makes it a worthwhile candidate for closer investigation. What most differentiates Colombia is the protracted armed conflict that has dominated its modern history, aggravated in recent decades by the country's infamous drug trade. The millions of people displaced from their homes and otherwise victimised by the violence include indigenous individuals, families and entire communities; the perpetrators include guerrilla groups, rightwing paramilitaries, drug gangs, and in some cases the armed forces.[238] From the standpoint of indigenous cultures and languages, this has meant the infliction of forms of damage that are additional to the types of harm experienced by communities in countries without such violence, or that have had shorter periods of conflict, such as Peru and Guatemala. As it happens, the Colombian conflict has coincided almost exactly with the era of international and inter-American human rights law explored in Chapter 3. If anything, the impact on indigenous peoples has been greatest during the last few decades, when the legal obligations borne by Colombia have increased in line with its ratification of more international instruments. Thus, Colombia is likely to rank as one of the states with the highest burdens of legally-required LRJ, which makes it a particularly interesting subject for this research.

[238] The violence has also forced greater numbers of non-indigenous peasants to move as *colonos* (colonists) into areas of indigenous settlement – a kind of displacement domino effect, one of many indirect consequences of the conflict.

RELEVANT POLITICAL CONTEXT

For most of Colombia's post-independence history, politics was dominated by two parties, Liberals and Conservatives. The leaders of both sides belonged to the political and economic elite of European descent that lived comfortably within a quite plutocratic system (Rojas 2002), yet the partisan rivalry frequently crossed into bloody violence, notably in the Thousand Days War of 1899–1902 and the notoriously period known as *La Violencia* that began in 1948. As in other countries in the region, the Liberals tended to be associated with anti-clericalism, federalism and social and economic modernisation, while Conservatives favoured a centralised state and a strong role for the Catholic Church (Rojas 2002; Bushnell 1993). A tendency for the Conservatives to have more success in gaining and retaining the presidency is best exemplified by the "Conservative Hegemony" between 1880 and 1930 (Torres del Río 2010, 45). However, at key points in the twentieth century, Liberal control of the national government provided openings for land reform and other policies that gave some benefit to indigenous populations.

In contrast to other Latin American nations, there was only one, quite brief, period of dictatorship.[239] However, presidents frequently imposed states of emergency that they used to oppress the opposition (Bushnell 1993). Various other features of the Colombian system meant it was far from the model of representative liberal democracy, such as the 1958-1974 "National Front" period when the Liberals and Conservatives alternated the presidency and other positions between themselves to the exclusion of all other parties (Bushnell 1993). Thus, although strictly speaking the 1991 "multicultural" Constitution was not part of the wave of post-dictatorship democratisation that occurred in much of Latin America in the late 1980s and 1990s, some of the background circumstances were comparable, and it was certainly consonant with social and political trends that were generalised across the continent.

[239] General Rojas Pinilla, ruling from June 1953 to May 1957, was installed and deposed through peaceful coups supported by both parties. A military junta then took charge until a Conservative was elected in August 1958 (Torres del Río 2010; Bushnell 1993).

The modern armed conflict

Colombia is notorious for the armed conflict that has been raging since the founding of FARC[240] in 1964, in many ways a continuation of *La Violencia* of 1948-1958. It has involved left-wing guerrilla groups such as FARC and ELN,[241] a fluctuating constellation of right-wing paramilitary bands (often supported by powerful economic and political interests), and the state's armed forces. From the late 1970s the conflict became intertwined with Colombia's equally notorious illegal drugs industry, as coca cultivation and trafficking became lucrative sources of funds for the armed groups, and arguably a raison d'être that eclipsed their purported ideological motivations.

In addition to considerable death and destruction, the number of persons displaced by the violence runs into the millions (Amnesty International 2008a; IACHR 2010). In the last two decades that displacement has disproportionately affected indigenous and Afro-Colombian communities as the drug industry and the political conflict have moved into new areas. Indigenous leaders and activists have often been deliberately targeted, along with union leaders and humans rights activists (Jackson 2002; Amnesty International 2009; IACHR 2010). The relationship between the armed forces and the paramilitaries, human rights abuses by state agents, and military tactics that pay little heed to civilian well-being, are factors that have deepened the mistrust that many ethnic minority members have for the state, a state which is already widely viewed as serving the interests of a few powerful economic and political elites in a profoundly unequal society.

The government of Álvaro Uribe, who was president for two consecutive terms from 2002 to 2010, took an approach to the conflict that resulted in an even tenser relationship between the Colombian state and its ethnic groups. Elected on a pledge to fight back against the guerrillas, Uribe adopted a policy he labelled "democratic security". This entailed growth of defence expenditures from 5.2 per cent of the budget in 2004 to 14.2 per cent in 2010 (US$11.057 billion), exceeding the education budget (13.9 per cent of spending). The consequent ramping up of operations against FARC and ELN resulted in minority communities being even more caught up in the conflict than before. Uribe was also inclined to criticise human rights

[240] *Fuerzas Armadas Revolucionarias de Colombia* (Revolutionary Armed Forces of Colombia).

[241] *Ejército de Liberación Nacional* (Army of National Liberation).

defenders, some of whom had spoken out in support of indigenous peoples, as sympathisers of the guerrillas (Amnesty International 2008b), and on occasion implied that indigenous communities were themselves also collaborating with the enemy.[242]

An improved security environment over the last decade has intensified efforts to exploit resources, often in territories granted to indigenous or Afro-Colombian groups. As well as protests and litigation, this has often led to violence and displacements. Just as in earlier periods of the conflict, efforts by powerful economic groups to seize land or control resources drove much of the violence (CECOIN 2008). Many of the most recent disputes between the ethnic minorities and the state and/or powerful economic interests have involved megaprojects, such as dams, open-cut mines, oil and gas pipelines, exploitation of rainforest timber and oil palm plantations. Much of the Constitutional Court's recent jurisprudence on minority rights to land and to prior consultation has related to megaprojects (Rodríguez Garavito 2011).

Contemporary political structures

Like all independent Latin American states, Colombia is a presidential republic. The president is chosen by direct election, with the vice-president on the same ticket, and then appoints cabinet ministers. The national legislature is the Congress of the Republic, consisting of Senate and House of Representatives. Two of the 102 senators are elected from an indigenous list, while in the lower chamber there are two reserved seats for Afro-Colombians and one for indigenous, from a total of 166. Four-year terms apply for elected officials in both legislative and executive arms. Laws (*leyes*) are made by the Congress, whilst the ministries responsible for the subject matter of legislation publish decrees (*decretos*) that provide the implementing detail and therefore resemble regulations in the Westminster system.

Colombia is divided administratively into thirty-two departments plus the capital district of Bogotá. Although it is not a federal polity, a significant decentralisation of powers was effected by the 1991 Constitution. Each department has an elected assembly, as well as an

[242] In addition to the fuller picture painted by the chronology in Appendix B, several statements and events that coincided with key steps in the PPDE process are noted in Chapter 6.

elected governor who appoints secretaries to run a range of secretariats, for example, of education or culture – thus approximately corresponding to the ministries at national level.

PANORAMA OF COLOMBIA'S INDIGENOUS PEOPLES AND LANGUAGES

The indigenous population of Colombia prior to the Spanish conquest has been estimated at about ten million people (DNP 1997, 29). In contrast, the 2005 census counted 1.39 million indigenous individuals, or 3.43 per cent[243] of Colombia's population (DANE 2007, 38).[244] In the Latin American context, those numbers refer to persons who identify as indigenous. Millions more may be primarily native in genetic terms, and possibly only a few generations away from being culturally indigenous, but in other respects see themselves as part of the mainstream population, and no different from the *mestizos* (mixed race) who constitute the largest single group in most of those countries.

Although indigenous communities are present in every one of Colombia's thirty-two departments, their distribution is very uneven. The arid department of La Guajira on the Caribbean coast is home to the Wayúu, who numbered 268,000 at the time of the 2005 census (DANE 2010) and are even more numerous across the border in Venezuela, thereby constituting the largest indigenous ethnicity in both countries.

The second largest indigenous group is the Nasa or Paez, chiefly in the south-western department of Cauca, which also follows La Guajira in quantity of aboriginal inhabitants.[245] Noted for their resistance on matters of land and culture throughout the twentieth century, their political activism has continued to be pronounced in recent years.[246] At the same time, their territories remain affected by the armed conflict and have not shared in the increased

[243] That percentage is only slightly higher than that of Venezuela and Brazil, slightly less than Chile, Panama and Nicaragua, but significantly behind Mexico, Ecuador and Peru, and especially indigenous-majority Guatemala and Bolivia.

[244] Currently estimated at 47.34 million (DANE 2013), Colombia's population ranks second to Brazil in South America, and to Mexico in the Spanish-speaking world.

[245] The 2005 Census reported that Cauca has just under a quarter of a million indigenous inhabitants, amounting to 17.85% of the national indigenous total, and to 21.55% of the total population of Cauca (where the Afro-Colombian proportion is even higher) (DANE 2005, 38, 40).

[246] Exemplified by marches on Bogotá, blockages of the Pan-American Highway and occupations of disputed lands.

security experienced by other parts of the country in the last decade. Nasa played a pivotal role in bringing indigenous activism to prominence in the 1970s, particularly through the regional organisation CRIC,[247] formed in 1971 in conjunction with smaller neighbouring peoples in the same department (Laurent 2005, 70). Noteworthy amongst those neighbours are the Guambianos or Misak. Numbering only 30,000, they share the political activism of the Nasa, as well as a leading role in ethnoeducational and other exercises of cultural assertion (Rappaport 2005). Lorenzo Muelas, one of two Indians elected to the Constituent Assembly in 1990 and as such a crucial player in the new constitution's recognition of pluriculturalism and indigenous rights, is Guambiano, as was the first indigenous person to be governor of a department (Laurent 2005).

In the sparsely inhabited Amazonia and Orinoquia regions[248] the absolute populations are smaller, but there are more distinct peoples, higher indigenous proportions of the departmental populations, and the greatest numbers of recognised indigenous territories or *resguardos* (Landaburu 2004; Laurent 2005; DANE 2007, 39). For example, the two departments with the highest indigenous percentage in their populations, namely Guianía and Vaupés, both in the Amazon basin, each have fewer than 12,000 inhabitants.

The vast expanses of Amazonia also host the last two indigenous communities in Colombia (de la Cruz 2014) that do not have interaction with the state and majority society, being "uncontacted tribes" or "groups in voluntary isolation".[249] Recent history shows how vulnerable such groups are. The Nukak-Makú are a hunter-gatherer population that used to live in complete isolation in the Amazonian department of Guaviare, but they commenced contact with the outside world in 1988. In a tragic example of the reach of Colombia's uglier realities, the Nukak-Makú were subsequently driven from their lands by combatants and coca growers. Half of the community perished from diseases new to them, while the several

[247] Regional Indigenous Council of the Cauca - *Consejo Regional Indígena del Cauca.*

[248] The Amazon and Orinoco basins respectively. The latter region is also known as *los Llanos* (plains), as much of it is tropical savannah rather than jungle.

[249] Colombian law (art. 17 of Decree 4633 of 2011) now commits the state to guaranteeing the right of uncontacted tribes and tribes living in voluntary isolation to remain in that condition and to live freely according to their cultures on their ancestral territories (Ruiz Soto 2012). There are more numerous examples of such communities in Brazil, Peru and Bolivia (IACHR 2013).

hundred survivors live in desperate circumstances, dependent upon state assistance and facing cultural disintegration.[250]

Indigenous governance and territoriality

Colombian state entities currently recognise 87 indigenous peoples, but the national umbrella organisation ONIC (National Indigenous Organisation of Colombia) claims that there are 102 (ONIC 2013). All of those peoples have some form of traditional authority at the local level, generally a *cabildo*, a form of community council that was regularised during the colonial period (Roldán Ortega 2000; Laurent 2005). Existing in parallel to those structures are the organisations formed in modern times, which are more comparable to social movements or NGOs, and may be mono-ethnic or multi-ethnic. It is not uncommon for there to be competing organisations or authorities within the same indigenous group.

Modern Colombia has seen an expansion of the colonial institution of *resguardo*, which refers to an indigenous community with collective title to land accompanied by self-governance in the form of the *cabildo*. A majority of Colombians identified as indigenous are registered as residents of *resguardos*. Currently 31.5 per cent of Colombia's land area, totalling 36 million hectares, is recognised as belonging to indigenous communities (CECOIN 2008). Although this figure is much higher than the aboriginal proportion of the population, it is chiefly comprised of vast jungle tracts in the Amazon and Orinoco basins, where population density is extremely low. In contrast, many of the peoples living in more heavily settled parts of the country have been granted very little land, and it is often very marginal in terms of appropriateness for agriculture, a problem particularly marked in Cauca and Nariño (Roldán Ortega 2000). Hence increased control of traditional lands – and, in the case of groups that have been colonising new territories, titling of new land on which to subsist – remains a very high priority for most indigenous organisations, just as it was for Indian leaders in earlier periods, such as Quintín Lame in the 1920s. The situation is complicated by the fact that holding title to their lands has not prevented many Indians from

[250] There has been extensive coverage of the plight of the Nukak Makú and the institutional response, for example IACHR (2006), IACHR (2013), Mahecha Rubio and Franky Calvo (2013), and the campaign by Survival International (see www.survivalinternational.org/tribes/nukak). The majority of the Jiw people have also been forced to take refuge in the same area (UNHCR 2011).

being displaced by conflict or brutally evicted to make way for coca or oil palm cultivation (CECOIN 2008).

Just over one million indigenous persons were reported by the 2005 Census to be residing in rural areas, in most cases in *resguardos* (DANE 2010, 31). Given that contemporary Colombia has been marked by a rural exodus to the cities – prompted by both economic pull-factors and violence-related push-factors – the low numbers of indigenous persons recorded as having urban residence may indicate a tendency for indigenous internal migrants to re-identify as non-Indian.

Ethnoeducation

Another indigenous demand that began receiving attention from the state prior to the 1991 Constitution was education. Since 1978 the state has recognised "ethnoeducation" – known elsewhere in Latin America as Bilingual Intercultural Education – as suitable for schools in indigenous communities (Enciso Patiño 2004). It can be summarised as education appropriate to the cultural realities and the wishes of minority communities, and generally includes efforts to incorporate the traditional language as either subject or medium of instruction.[251] In theoretical discussions and in the documents of indigenous organisations, there has been increasing reference to *educación propia*. While directly translated as "own education," it is perhaps best rendered in English as "endogenous education"[252] or "community-generated education".

Present condition of Colombia's indigenous languages

Although various classifications have been proposed,[253] the Culture Ministry (Mincultura 2009b) accepts a taxonomy that identifies thirteen distinct language families and treats

[251] Ethnoeducation generally lacks this language-related dimension in the case of Afro-Colombians and of indigenous peoples whose languages are long extinct.

[252] Indeed, *educación endógena*, the Spanish equivalent of this term is also frequently utilised by some indigenous scholars and organisations in Colombia.

[253] Estimates of the number of families varies between six and eighteen, depending on the approach of the linguist concerned (Trillos Amaya 2003, 31-34). The total count of languages may also differ when there is

another eight languages as isolates (that is, with no relationship established to any known language), which means there are twenty-one distinct language stocks. Thus, in addition to multiplicity, Colombia's aboriginal languages reflect an unusually high degree of "deep diversity" (Evans 2010).[254]

Of the approximately 781,000 members of indigenous groups that retain some native language use, 65.41 per cent were recorded, by self-admission, as being speakers of their respective community's language (DANE 2007).[255] Of those ethnicities in which the traditional language survives, only three – Wayúu, Nasa and Embera – have more than 50,000 members, while thirty-four groups consist of fewer than 1000 persons (Landaburu 2004). According to the PPDE documents (Mincultura 2008b), at least nineteen languages are in serious danger and five are almost extinct. At the other end of the spectrum, fifteen languages have a strong vitality and are still being transmitted trans-generationally, but risks are identified. The remaining languages occupy an intermediate position: in a situation of unstable equilibrium, with the next two to three decades determinative of their prospects (Mincultura 2008b).

The PPDE's conclusions on the vitality of each surviving language demonstrated that in some areas, depending on historical circumstances, traditional cultures and linguistic practices have remained strong up to the present day. This is the case with much of the department of Vaupés, where a distinctive complex of cultures is marked by language-defined exogamy, so

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disagreement on the perennial question of whether or not two related speech varieties should be classed as a single language.

[254] This compares with countries that have many languages, but all deriving from only one or a few separate language stocks. For example, apart from the Spanish-based creole Chavacano, all 185 languages native to the Philippines are in the Austronesian family, while the mainland languages of India are spread among only five or six language stocks (Ethnologue 2013). Across the entire continent of Europe, all non-immigrant languages belong to the Indo-European family (including Romany), save for a handful in the Finno-Ugric family and one isolate, Basque.

[255] For every one of the 94 indigenous groups listed in the census group there were one or more respondents who answered in the affirmative to the question "Do you speak the language of your group?" (Ministerio de Cultura 2009B, 10). The non-specific nature of this question – for example, a person whose community has only spoken Spanish for several centuries may quite rightly identify Spanish as the language of his or her group – appears to free the "experts" to continue talking of 65 rather than 94 indigenous languages, i.e. the responses of 96,000 persons whose ancestral languages are known to be extinct are discounted from the discussion.

that every individual has parents from different language groups and may be adept in up to five languages (Aikhenvald 2002; Landaburu 2004). Similarly, the Wiwa, Arhuaco (or Ika) and Kogi peoples of the Sierra Nevada de Santa Marta mountain range are famed for having preserved their ancestral languages, traditional lifestyles and belief systems (Gröll 2009, 28).[256] Although less isolated, the large Wayúu population of La Guajira, with its history of resistance, has also proved to be holding strongly to its linguistic traditions. Yet, even in such communities, both the PPDE findings and independent research by linguistics reveal a tendency for the youngest age cohorts to have greater use of Spanish at the expense of the ancestral language.[257]

In contrast to the Vaupés, in other parts of Amazonia many communities were devastated in the early twentieth century through enslavement and brutal treatment by rubber barons. This historic episode, generally labelled *holocausto cauchero* ("rubber collector's Holocaust") in Spanish-language writings, resulted in the extermination of some communities and cultural collapse of others, pushing a number of languages towards extinction.[258] One such language is Nonuya, which only has one surviving elderly speaker in Colombia (Mincultura 2009).

Indigenous groups with extinct or dormant languages

As indicated by the 2005 Census figures and then by the PPDE's work, a sizeable proportion of Colombia's indigenous individuals no longer speak their ancestral language, and further

[256] This sierra rises dramatically from the Caribbean coast to peaks of over 5000 metres, a topography that provided its native inhabitants with sanctuary from the Spanish conquest (Landaburu 2004). Adelaar (2004) cites evidence that some of these communities discourage the learning of Spanish, particularly by women, which suggests a favourable base for ongoing mother tongue maintenance. He adds that multilingualism in all the Sierra's languages is common.

[257] Even strong cultural activism is no guarantee against language shift. CRIC was the national leader in establishing ethnoeducation programs in their territories and in 2005 undertook a sociolinguistic diagnostic survey that served as a model for the nationwide diagnostic instituted by the Culture Ministry's PPDE in 2008 (Bodnar 2013; González Garzón 2013). Despite these labours, many Nasa and Guambiano settlements have experienced language shift to Spanish (Pineda Camacho 2000, 124-125; Ministerio de Cultura 2009b, 38). Of the six smaller ethnicities that are also members of CRIC, four have completely lost their ancestral language and another is likely to cease using theirs within a few decades.

[258] President Santos delivered an official apology for this atrocity in 2011, but without announcing any additional reparative measure.

analysis shows this to be true of the entire population of some ethnicities.[259] The latter situation holds for three of the country's most populous groups: the Zenú, Pijaos and Pastos.

Groups that lost their traditional language in centuries past include communities that had abandoned their indigenous identity or kept silent about it, a process labelled de-Indianisation. Conversely, the modern recuperation of that identity – and the recovery or invention of cultural practices and traditions – is re-Indianisation or re-ethnification (Chaves and Zambrano 2006; Rappaport 2005; Laurent 2005). This phenomenon has been noted in relation to the Kankuamo (Morales Thomas 2011), the only one of the four aboriginal peoples of the Sierra Nevada de Santa Marta to have undergone full language shift to Spanish.

Even before the advent of modern re-ethnification, all the above groups were considered to be surviving indigenous peoples, even if not all component communities and individuals had maintained the identity. However, the Mokaná in the vicinity of the Caribbean port of Barranquilla were not externally regarded as a continuing people until quite recent times, yet have now managed to re-establish a *resguardo* and are attempting to revive a language of which little is known (Chaves and Zambrano 2006; Trillos Amaya 2003). Like the Zenú, Pijaos, Kankuamos and Pastos, the Mokaná are specifically mentioned in Mincultura (2013a) as groups being supported by the Culture Ministry in revitalisation efforts.

A striking example of re-ethnification, including attempted linguistic revitalisation, is the case of the Muisca. The Spanish foundation of Bogotá in 1538 occurred in the Muisca heartland, and their language was deployed as a lingua franca for purposes of evangelisation and administration of the natives.[260] When both Church and government switched solely to Spanish, the Muisca tongue lost vital spaces, and it died out completely in the eighteenth

[259] The sociolinguistic diagnostic campaign undertaken by the PPDE team only targeted the 72 groups with some retention of language, even if minimal. However, Article 14 of the Native Languages Law explicitly countenances the case of communities that wish to document, revive or otherwise work with an ancestral language that has ceased to be spoken, and Culture Ministry press releases in late 2013 refer to such communities – which would accord with the theoretical framework of linguistic reparative justice developed in Chapters 2 to 4.

[260] As happened with languages like Nahuatl, Quechua, Aymara and Guaraní in other Spanish territories and Tupí in Brazil.

century (Triana y Antorvez 1997). All Muisca *resguardos* were also dissolved. However, with the birth of the modern indigenous movement in the 1970s and the rise of identity politics, perhaps enhanced by the opportunity to gain material benefits after 1991 (Chaves and Zambrano 2006), several small communities at the edge of Bogotá have been asserting their Muisca[261] identity, uncovering *resguardo* titles from archives, reviving dormant myths and customs, and even attempting to recover their lost language, all the while fighting to receive recognition from various government entities – such recognition being the prerequisite for greater access to state services and transfer payments.

Whether driven by economic motives, as suggested by some critical press coverage – such as Arenas (2012) in relation to "neo-Muiscas" – or constituting a genuine embracing of a once-suppressed cultural identity, the phenomenon of re-ethnification has been an important accompaniment of the multicultural "boom" in contemporary Colombia. It tallies with critiques of Colombian multiculturalism as something promoted by the state in order to facilitate a move from class consciousness to ethnic identity as a way of reducing the power of class-based movements, which, when expressed in the form of guerrilla struggle, had been threatening elite economic interests for decades (Chaves and Zambrano 2006). As discussed in Chapter 4, state support for efforts to recover elements of extinct languages can be an appropriate form of LRJ for indigenous communities. However, Chapter 7 revisits the question of whether, in the Colombian context, these re-ethnifying communities should be prioritised as recipients of LRJ measures.

AFRO-COLOMBIANS, RAIZALES AND PALENQUEROS

Afro-Colombians[262] constitute the largest minority in Colombia: an estimated 4.31 million in 2005, or 10.62 per cent of the population.[263] Many observers would fix the figure at closer to

[261] Increasingly spelt "Mhuysqa" by some members of this community (Fernández Varas 2013).

[262] This is the most common English rendering of *afrocolombianos*. In Colombia other acceptable terms (i.e excluding racist pejoratives, such as those listed in Mosquera Mosquera 2005, 54) are *afrodescendientes*, *negros*, *negritudes* (referring to the communities rather than the individuals) and now the simple descriptor *afro*.

[263] The 2005 census obtained this figure using a criterion of self-identification as black, Afro-Colombian or mulatto (DANE 2007, 38). The challenges faced by the national statistics agency in enumerating the black population are discussed in Estupiñán (2006). Changes to the methodology, designed to more accurately capture

16 or even 20 per cent (Estupiñán 2006), but it is clear that large number of Colombians do not identify as black despite being of predominantly African descent[264] – something that is changing as poor people, after centuries of blackness being equated with backwardness, see the advantages of being classified as part of an ethnic group in the modern policy framework (Amparo Rodríguez 2005). Colombia has the largest African-descent population of the Spanish speaking countries, behind only the USA and Brazil in the Americas. Racism is a significant issue, although the distinctive configurations of race in Latin America mean that racial discrimination may be expressed and effected differently than in English-speaking countries (Wade 1993). Afro-Colombians score well below the population average on many key indices of social welfare, such as literacy, school enrolment and mortality rates (Bodnar 2008a; Amparo Rodríguez 2005, 51). They dominate the population in areas along the Pacific Coast, where challenging natural conditions, such as the continent's highest rainfall and widespread malaria, meant communities maintained a distinct culture with little interference from the rest of Colombia until recent decades (Castillo 2009, 22-23).[265] In contrast to indigenous Colombians, a majority of blacks are urbanised. Further dispersal to cities throughout the country has occurred in recent decades, often as a result of forced displacement, especially with the extension of coca growing and armed conflict into the Pacific areas since the 1990s (Rodríguez Garavito et al. 2009).

In response to the growth of activism and identity politics since the 1970s, organs of the state began to address specifically the needs of its black citizens, particularly after the passage of the 1991 Constitution. In its wake, Law 70 of 1993 recognised a range of Afro-Colombian rights, including ethnoeducation, and established mechanisms for confirming collective ownership of land by black communities on the Pacific coast (Escobar 2008). To date, 3.4 million hectares have been titled to Pacific communities – although extensive portions have

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the size of the Afro-Colombian population, resulted in a much greater figure than that produced by the 1993 census: 502,343, or just 1.5% (DANE 2007, 33).

[264] Particularly on the Caribbean coast, where close on half a millennium of racial mixing has forged a population identifying itself as *costeño*, of varying shades of skin colour and possessing a range of cultural features that are clearly of African origin.

[265] The Pacific department of Chocó stands out for a population that is 82% black (DANE 2007). There are also significant concentrations in the inter-Andean valleys of the Magdalena and Cauca rivers (including the city of Cali) and the Caribbean coast (Estupiñán 2006).

since been violently usurped for coca or oil palm cultivation, to facilitate drug exportation, or because of other incursions by guerrillas, paramilitaries or armed forces.[266]

The overwhelming majority of Colombia's black population is monolingual in Spanish, thus the ethnoeducation processes authorised by Law 70 and developed through the 1990s generally entail an intercultural approach without being bilingual as such.[267] The PPDE has not included Afro-Colombians in general as an ethnolinguistic group. However, Colombia, uniquely in the Spanish-speaking Americas, has two creole languages in addition to its indigenous tongues: Palenquero and Islander Creole English. The communities in which those creoles are spoken have distinct cultural identities and have in recent times been given a separate recognition by national institutions, extending to inclusion of the languages in the definition of "native languages" in the PPDE and Native Languages Law.

Palenqueros

In colonial Colombia *palenques* were settlements established by escaped slaves in isolated areas, beyond the reach of colonial authorities. After fierce conflict in the eighteenth century only one such community continued in existence: San Basilio de Palenque, 80 kilometres from Cartagena.[268] It is the only place in Latin America where there has been survival of a creole language developed from the language contact between Spanish and the languages of enslaved Africans, and as such is a relic of that traumatic historic encounter. About 5000 Palenqueros live in that municipality, while there is a diaspora of 3000 in the coastal cities of Cartagena and Barranquilla (Mincultura 2009B). Despite considerable community pride in their heritage, a range of factors, such as increased contact with those cities, have led to the declining use of the language. Of the 7470 persons identified as Palenquero in the 2005

[266] One such community lost 119 members in the Massacre of Bojayá in 2002 (Rodríguez Garavito et al. 2009), caught in a battle between FARC and the paramilitary group AUC (see the Appendix B chronology).

[267] Afro-Colombian ethnoeducation often recognises the distinctive forms of Spanish used by those communities, particularly those along the Pacific, as noted by Patiño Rosselli (1991).

[268] Now only two hours by road from Cartagena, it was historically a three-day journey by mule. The Culture Ministry was successful in having both the language and the "Cultural Space of San Basilio de Palenque" granted UNESCO heritage status – as Chapter 7 notes, the Culture Ministry is often critiqued as carrying out a "patrimonialisation" of minority cultures.

census,[269] only 41.36 per cent were recorded as being able to "speak the language of their people" (Mincultura 2009B, 11). The PPDE sociolinguistic diagnostic disclosed that the vitality of the Palenquero language is even weaker than reported by the census, confirming its status as an endangered language (Ministerio de Cultura 2009B, 25-29). One third of the community now neither speaks nor understands Palenquero, and only 18 per cent speak it well. A deficit of child speakers is a particularly bad sign for future prospects for this language, as it indicates a serious drop in intergenerational transmission within the home.

The Raizales of San Andrés and Providencia

Officially part of Colombian republic since 1822, these two isolated Caribbean islands now constitute a full department. The traditional vernacular is an English-based creole similar to those of Jamaica, Belize and Nicaragua's Atlantic coast[270] (Ethnologue 2013; Forbes 1999, 115-116). Those creole speakers, known in Spanish as Raizales, are the descendants of the English cotton growers and their slaves who populated the islands in spite of Spanish territorial claims. As in Jamaica and Belize, there is a continuum of speech forms between the full creole variety and standard English (Sanmiguel Ardila 2006). Standard English was traditionally used for church services[271] and before 1976 in schools.[272]

However, the increased presence of Colombian state institutions and of mainland settlers and tourists has firmly established Spanish in the dominant role in a triglossic situation on the main island, San Andrés, where Raizales are now only 30 per cent of the population (Sanmiguel Ardila 2006). As well as its implications for the vitality of creole, this minoritisation has brought various negative consequences for the Raizal community, and resentment has even given rise to calls for self-determination (Ardila Arrieta 2012). Providencia has been spared the same flood of mainlanders and large-scale tourist development, and Raizales remain in the majority there (Forbes 1999, 118-119).

[269] "Palenquero" only became listed as a statistical category separate from Afro-Colombian in general in the 2005 census, when it was added as an option for self-identification (DANE 2007, 35).

[270] The islands have long been subject to competing claims by Nicaragua, which is much closer to them than is the Colombian coast. Although upholding Colombia's claim to the islands themselves, in 2012 the International Court of Justice awarded Nicaragua sovereignty over major parts of the archipelago's maritime surroundings.

[271] The Baptist church was long dominant on the islands.

[272] Forbes (1999) claims that the islands had Colombia's highest literacy rates for much of the twentieth century.

ROMA: FROM NOMADS TO NATIVES

Colombia has a population of around 5000 Roma (DANE 2007),[273] who share many of the disadvantages faced by other minorities in terms of discrimination, marginalisation and socioeconomic indicators.[274] They only began to be treated within the constitutional framework of ethnic groups in 1998,[275] while the Education Ministry approved ethnoeducation for the Roma in 2002. The inclusion of their language in the PPDE and thence the Native Languages Law resulted from the working relationship the Culture Ministry has maintained with Rom community leaders since 1998 (Culture Ministry staff, pers. comm. 2010; Roma activist, pers. comm. 2010). Despite considerable activism, notably in Chile, no other Latin American country accords such recognition to a gypsy minority. Moreover, the listing of *romaní* (Romany) in the Native Languages Law appears to be the only instance of such official acknowledgement in the western hemisphere, and one of few in the world.

HISTORY OF COLOMBIAN POLICIES TOWARDS ETHNIC MINORITIES AND LANGUAGES

Indigenous peoples and languages in the colonial period

Like the rest of Latin America, Colombia has lost a large proportion of its languages in the five centuries since the Iberian conquests initiated processes of cultural collapse and

[273] Generally called *gitanos* in Spanish, the term *Rom* is employed for Colombian official purposes, while *Rrom* sometimes appears in the community's own publications. Colombian Roma came from central and eastern Europe rather than the Iberian peninsula, arriving in the nineteenth and early twentieth centuries (Gamboa Martínez et al. 2005, Bodnar 2008a).

[274] Material produced by the Roma organisation in Colombia, PROROM, stresses the longevity of their presence in the Americas and the fact that they have never attempted to dominate other peoples there, instead being victims of discriminatory practices (Gamboa Martínez et al 2005, 113-114), thus emphasising commonalty with indigenous and black groups. According to PROROM, approximately 70 per cent of the community have never had any schooling (Bodnar 2008a, 128).

[275] There were separate pronouncements by the Interior, Culture and Education Ministries (Bodnar 2008a, 118, 127). Since then the Roma community has also been recognised by other national government entities (González de Pérez 2008, 1) and in minority policies of Bogotá capital district.

transformation, including physical extermination in many instances. The 64 languages listed in the documents of the Culture Ministry are the survivors of an original array of perhaps three hundred languages (Pachón and Correa 1997, 18). Unlike the Inca and Aztec empires, Colombia never had one dominating indigenous language (Adelaar 2004, 49). Rather, prior to the Spanish conquest, which began with the foundation of Santa Marta on the Caribbean coast in 1525, there was great linguistic diversity, and often multilingualism, paralleled by the lack of any centralised state structure. This contrasted with the middle Andes, where the Inca Empire extended from south-western Colombia down to northern Argentina.[276] Evidence of Colombia's pre-conquest languages is sometimes very fragmentary, as many languages, and some entire language families, vanished quickly through extermination or assimilation (Patiño Rosselli 1991). Historians have documented a drastic decline in native populations from epidemics and from maltreatment while subjected to forced labour in mines and fields under the *encomienda* system in the colony of New Granada.[277]

The Spanish colonial regime was notoriously obsessed with the conversion of the newly conquered peoples, and official approaches to the issue of language were secondary to this priority (Pineda Camacho 2000). There were conflicting views on whether evangelization depended on a prior Hispanicization of the populace.[278] In the earliest colonial period the Muisca language was selected for use in administration and evangelisation around Bogotá, and knowledge of the local language was initially a prerequisite for appointment of priests to parochial positions (Pineda Camacho 2000, 70). However, Spanish was increasingly accorded a de facto hegemony as colonial rule progress, definitively confirmed in law by a 1770 royal decree (*Real Cédula*) of King Carlos III that mandated its status as the official language of the empire for all purposes (Gröll 2009, 45). However, as pointed out by Triana y

[276] In some respects the linguistic effects of the Inca regime anticipated those of European colonisation, as it had deliberate policies of transplanting populations across its vast realm, with a corresponding spread of the imperial language Quechua, which still has the largest number of speakers of any surviving native tongue in the Americas (Adelaar 2004). Quechua dialects survive in Colombia as the mother tongue of the Inga and Kichwa peoples, as well as the Otavaleño communities established in recent decades by immigrants from Ecuador.

[277] Triana y Antorveza (1997, 93-118) documents a range of factors that led to the reduction in indigenous populations and to exposure of the survivors to deculturating forces.

[278] The 1563 Council of Trent advocated use of vernacular languages for proselytization, but strong voices raised within ruling circles in Nueva Granada urged imparting competency in Spanish to all Indians for the sake of stable governance and for ensuring conversion was effective, as this would help distance the natives from their pre-conquest belief systems (Triana y Antorveza 1997, 127).

Antorveza in his review of historical documents (1997, 129), in those parts of the territory that were under effective colonial control and settlement, Spanish had already displaced the native tongues.[279]

Further from the ports of the Caribbean coast and the high country around Bogotá, there were peoples who resisted the Spaniards for long periods, such as the Nasa in what is now the department of Cauca and the Chimila in the Magdalena valley (Patiño Rosselli 1991). Some, such as the Emberá, Nasa and Kuna, even managed to expand into territories depopulated by the pandemics and colonial violences[280] and thereby forge new spaces for cultural and linguistic survival (Triana y Antorveza 1997). The vast Amazon territories remained largely beyond the reach of the colonial authorities, giving the inhabitants time to maintain their traditional lifestyles and cultural practices up until the late nineteenth century, when the slavery-like practices of the rubber collecting companies brutally thrust many of them into the world economy.

Post-independence: from legal invisibility to objects in need of civilising

Post-independence Colombia[281] maintained the racially aligned social stratification that marked the colonial period, when social power relations were constructed on differentiations of skin colour (Castillo 2007, 44). Whites continued to hold a monopoly on wealth and political positions at the top of the social pyramid, blacks and indigenous people tended to occupy the lowest positions, with mixed race persons in between (Gröll 2009, 51). The implicit language policy of the republic entailed an imposition of Spanish everywhere, part of an effort to achieve a homogeneous national cultural identity (Gröll 2009, 64). Only in a few limited cases was there a nationalist discourse glorifying the achievements of the pre-conquest cultures along the lines of Peru and Mexico, which constructed a national identity based on the technologically advanced and administratively highly organised civilisations of

[279] The once-favoured Muisca language disappeared completely early in the eighteenth century, while its speakers assimilated into the new mestizo population (Adelaar 2004, 52) – until the advent of the neo-Muiscas referred to earlier.

[280] The Kuna extended their settlements into Panama, where most now live.

[281] The full territory of the Vice-royalty of New Granada was initially kept intact after independence under the name of Gran Colombia. However, Ecuador and Venezuela were definitively separated as independent republics after 1830. Panama remained part of Colombia until 1903.

the Inca and Aztec empires (Castillo 2007, 66, 75-76).[282] The nineteenth century Colombian elite was willing to view their nation as *mestiza* (mixed), but aspired to a gradual dilution of the black and Indian elements in a process of *blanqueamiento* (whitening) of the "backward" races (Castillo 2007, 83-85; Rojas 2002). Without this process of racial "improvement", Africans and Indians were considered to be inadequate human material for the construction of a nation on the European model (Castillo 2007, 77; Wade 1993).

Citizenship was granted to indigenous Colombians in 1821 and a law was approved in 1824 that aimed at a vast missionary and "civilising" work of the native population in peripheral regions (Gröll 2009, 53). Needless to say, insofar as indigenous people did enter into the educational system of the new republic, the numerous social and economic tendencies that acculturated them to Hispanic models were heightened. From 1832 it was permitted to divide indigenous landholdings and grant them to non-indigenous colonists, and from 1868 the state converted extensive tracts occupied by native communities to the status of national lands (Gröll 2009, 53). Deprived of the economic basis for the survival of their communities, more and more Indians needed to participate in the non-indigenous economy, with detrimental consequences for the survival of their languages and other elements of traditional culture.

The 1886 constitution, which underlay the Colombian political system until 1991, replaced a previous federal arrangement with a centralised system. Its unitary vision of Colombia was cultural as well as political, defining the country as one of Hispanic and Catholic tradition, and with no mention of the indigenous communities (Pineda Camacho 1997, 158). In failing to reflect or acknowledge the pluriethnic nature of the population, Colombia´s constitution was typical of Latin American constitutions of the era (Gröll 2009, 54). Its final abolition of slavery in 1851 could be described as relatively advanced, given that countries such as Cuba and Brazil continued the practice for over three decades more. However, black Colombians, like indigenous ones, remained excluded from many domains of civil life and subject to the prejudices and power imbalances of the racist elites.

[282] Perhaps the only evidence of anything approaching a positive attitude to native languages in Colombia before the twentieth century was appropriation of indigenous place names like Bogotá and Cundinamarca, which occurred during the years of the independence struggle against Spain (Bushnell 1993, 37-38).

An 1887 law provided that the country´s "barbarian or savage tribes" would be educated by the Catholic missions (Pineda Camacho 1997, 158). In the same year Colombia signed a Concordat with the Holy See that gave the Church significant educational responsibilities, as well as civil jurisdiction over the almost two-thirds of the country officially classified as mission territories (*territorios de misiones*) (Pineda Camacho 2000, 112). Law 89 of 1890 confirmed that the missions were charged with administering and educating those Indians who were still "savages" and had guardianship over them (Roldán Ortega 2000, 12). As Pineda Camacho (1997, 158) observed, the imposition of the Spanish language was a key element of the efforts to "civilise" the native population. On the other hand, indigenous communities considered to have been "reduced to civilisation", while still restricted to the legal status of minors, were given important protections by the 1890 law: it confirmed the collective nature of the *resguardo* property held by indigenous communities and legitimated the traditional authorities, the *cabildos* (Laurent 2005, 57-59). Thus, the law contained elements that served to support the survival of native cultures. [283]

Late nineteenth century Colombia saw the birth of an obsession among the educated classes with the clarity and purity of the Spanish language, accompanied by the creation of elite schools and universities, and leading figures from both Liberal and Conservative sides devoted attention to prescriptive grammars, orthographies and dictionaries (Pineda Camacho 2000, 112-113).[284] However, this grammatical passion was not matched by any corresponding interest in native languages,[285] and there was no political or legal status

[283] In this respect the "Conservative Hegemony" of the period was beneficial for indigenous cultural survival. Liberal political dominance would have been unlikely to respect collective landholdings.

[284] Rojas (2002) describes the Colombian elite of the period as literati, whereas in in Mexico, Brazil or Peru the ruling elite's power was based upon ownership of capital or military might.

[285] Moreover, even the most scholarly of the elite continued to operate with the same set of racist beliefs about indigenous and black Colombians. Castillo (2000, 77-79) provides examples of explicitly racist writing by two of Colombia's greatest nineteenth century scholars: Agustín Codazzi, after whom the national geographic institute is named, and Miguel Antonio Caro Tovar, whose achievements are commemorated in the name of the research body for language and literature, the Caro and Cuervo Institute. Caro's six years (part de facto, part de jure) as Conservative president of the country were marked by high levels of censorship and oppressive measures against Liberals.

accorded to any of the indigenous languages, even though a range of laws and regulations affirmed the official status of Spanish (Gröll 2009, 58-59).[286]

Early to mid-twentieth century: indigenous issues onto the agenda of church, academia and state

Following the Thousand Days War that opened the twentieth century for Colombians in the bloodiest way possible, there was increased support for the work of the missions, marked in particular by an increased number of Capuchin fathers from Catalonia (Pineda Camacho 2000, 143). In general, church-run missions and later residential schools in indigenous regions applied a practice of prohibiting students from speaking their mother tongues (Avirama and Márquez 1994). However, even in the early twentieth century there were missionaries who did study and write about the languages of the communities with which they worked.[287]

A Capuchin missionary was behind the establishment in 1934 of a research centre that produced linguistic and ethnographic manuals for missions in the Colombian Amazon,[288]

[286] Pineda Camacho (2000, 143) gives one exception to a general lack of interest in the situation of native communities: General Rafael Uribe Uribe, who led the losing Liberals in the Thousand Days War, wrote a document directed at the political, ecclesiastical and academic leaderships in which he advocated a policy of study of indigenous languages and use of native interpreters, inspired by the model of the Jesuit missions in various parts of colonial era South America, which he viewed as successful in controlling the "savages".

[287] Pineda Camacho (2000, 143-144) notes Mother Laura Montoya, whose bilingual catechism for the Embera-Katío people was destroyed because of statements she made in it that contradicted the prevailing racist mentality. In the highly multilingual region of Vaupés, Monfortian missionaries from France selected one of the many local languages, Tukano, as the language of evangelization and general communication. However, this is not an example of an enlightened approach to indigenous language rights, as use of the other regional languages was prohibited in their schools (Pineda Camacho 2000, 144).

[288] This missionary, Marcelino de Castellví, was also responsible for the *Censo Indolingüístico de Colombia* (Indo-linguistic Census), posthumously edited in 1962. Another posthumous publication of Castellví's was one of the earliest scholarly works on native languages, *Propedéutica etnoglotológica y diccionario clasificador de las lenguas indoamericanas*, a collaboration with another priest, Lucas Espinosa. The first detailed synthesis on native languages was not published until 1965, namely *Lenguas y dialectos indígenas de Colombia* by Sergio Elias Ortiz (Pineda Camacho 2000, 146-147).

although it declined after his death (Pineda Camacho 2000, 144).[289] Other centres for study of native languages were created soon after, but this time independent of the Catholic Church and with anthropological interest in the speakers of the languages. This interest was stimulated by the arrival in the 1930s and 1940s of European scholars fleeing fascist regimes, the Spanish civil war or the Second World War. The outstanding figure amongst them was Frenchman Paul Rivet,[290] whose field trips and training of young Colombians established the modern discipline of anthropology while simultaneously advancing linguistic knowledge. He was also co-founder in 1941 of the National Ethnological Institute[291] (Pineda Camacho 2000, 145), which was merged in 1952 into what is now ICANH, the national anthropological and historical institute. Meanwhile, a 1942 law set up the Caro and Cuervo Institute,[292] primarily dedicated to Spanish philology and literature, but the 1944 decree that elaborated its operations named the study of "the languages and dialects of the aboriginal civilisations of Colombia" as one of its objectives and provided for a researcher to be appointed specifically for that task (González de Pérez 2009, 2).[293] It is important to bear in mind that these entities were composed solely of non-indigenous scholars, trained in Western epistemologies, and looking at native communities as objects of study – and therefore very distinct from the collaborative ideal discussed in Chapter 4 as the goal of LRJ.

The *Instituto Indigenista de Colombia* was established in 1941 as a branch of a similarly named inter-American body created by a seminal congress in the Mexican town of

[289] The work of this centre has been criticized by Green and Houghton (2000, 212-213) as serving the interests of linguists (in recording scientific details of languages before they ceased to be spoken), and not those of the communities – a criticism that has frequently been made of so-called "salvage linguistics" (e.g. Matras 2005), as alluded to in Chapter 4**.**

[290] One of the remarkable aspects of Rivet's legacy is that it resulted from a sojourn in Colombian of less than two years.

[291] *Instituto Etnológico Nacional*.

[292] *Instituto Caro y Cuervo*.

[293] A 1947 decree transferred the functions related to research on indigenous languages to the National Ethnological Institute, but some work on native languages was carried out at the Caro and Cuervo Institute in 1960-61 and 1975-77, and in 1976 the directors of the latter authorised a resumption of that study (González de Pérez 2009, 3). There was also a *Sociedad Colombiana de Lenguas Aborígenes* (Colombian Society of Aboriginal Languages) that was founded in 1943, merged into the National Ethnological Institute in 1947, and refounded in 1958 (Pineda Camacho 2000, 145).

Pátzcuaro.[294] It proposed, inter alia, an education policy that would recognize "the importance of indigenous languages as an aspect of the indigenous personality, and similarly their use in the early stages of the educational and vocational preparation among the Indians" (Pineda Camacho 2000, 144-145). The recognition by this congress, and by the movement born from it, of the ethnic pluralism of Latin American societies can be seen as a first step in the development of concepts of indigenous rights and of multiculturalism in the region.

In 1958 Colombia ratified the ILO Convention 107 on Indigenous and Tribal Peoples, which, reflecting the influence of the *indigenista* movement, imposed policy principles on the state in terms of its treatment of native communities, as shown in Chapter 3. As a consequence of *indigenista* ideas and the newly adopted legal norms, Divisions of Indigenous Affairs were established within the Ministerio del Gobierno (predecessor of the Interior Ministry) and the Ministry of Agriculture (Roldán 2000). In the early 1960s the land reform body INCORA[295] was assigned responsibilities to create new *resguardos*, and in the 1970s INCORA went on to develop programs in health and education (Gröll 2009, 67).

Supporting languages to change cultures: Summer Institute of Linguistics

Whilst a 1953 agreement had increased the power of the Catholic missions – even giving them a say in the appointment of government functionaries in their areas of operation (Gröll 2009, 61) – a later Liberal government attempted to reduce the Church´s influence by entering into a contract in 1962 with the Wycliffe Bible Translators, subsequently renamed Summer Institute of Linguistics (SIL). This Texas-based entity sought to evangelise the native peoples of the world through their respective languages via language study, development of alphabets and implementation of practices of reading and writing, and had already been operating in Mexico, Ecuador, Peru and Brazil (Pineda Camacho 2000, 146).

[294] *Primer Congreso Indigenista Interamericano*.

[295] *Instituto Colombiano de la Reforma Agraria* (Colombian Institute of Agrarian Reform). Note that at this time, at the height of the Cold War and in the aftermath of the 1959 Cuban Revolution, the United States was encouraging Latin American governments to undertake such reform in order to preempt the growth of revolutionary movements. In 2004 INCORA was renamed INCODER (*Instituto Colombiano de Desarrollo Rural* – Colombian Institute of Rural Development), a change in nomenclature that would seem to reflect the ideological emphases of the Uribe presidency.

In recent decades SIL has been subject to fierce criticisms for its focus on proselytizing with resultant negative consequences for cultural survival.[296] However, at that time it was seen as a welcome change from the dominance of the Catholic Church, and its use of native languages accorded with changing perceptions of indigenous cultures. For example, Gregorio Hernández de Alba, an anthropologist who co-founded the National Ethnological Institute and was later the first director of the Interior Ministry´s Division of Indigenous Affairs, criticised the Catholic boarding schools for prohibiting the use of native languages and for causing profound traumas by separating children from families (Pineda Camacho 2000, 147-148).

Over the decades SIL worked with 44 Colombian indigenous groups, devising alphabets and producing numerous linguistic materials.[297] Pineda Camacho (2000, 148-151) discusses the pros and cons of SIL´s activities in Colombia, including the "linguistic wars" with Catholic missions, secular linguists and/or indigenous organisations over the orthographic systems to be used for various languages, and the more scientific nature of some of its later publications. As well as bringing some groups to Christianity for the first time, it also had successes in converting some Catholics to its particular form of Protestantism, which, allegedly marked by the individualism and materialism of American capitalism, at times impacted on the political activities of, and created divisions within, some of the indigenous organisations that arose in the 1980s and 1990s (Laurent 2005, 81).[298] Pineda Camacho (2000, 150) notes that some of its shortcomings were also the result of a failure of the state to formulate a policy committed to the study, support and development of native languages. Strong pressure from critics caused the Colombian government to terminate its educational agreement with SIL in 1986,

[296] For example, Avirama and Márquez (1994, 96) claim the activities of SIL caused "serious harm to indigenous cultures", a view echoed in ONIC et al. (2004), Bolaños and Giraldo (undated) and Hamel (1994a).

[297] Including 30 grammars, 660 teaching materials and 19 New Testament translations (Pineda Camacho 2000, 149).

[298] However, Laurent also notes that part of the appeal of Protestantism for some indigenous Colombians would have been its rejection of the Catholic Church, long intertwined with the Conservative party, and with the landowners and other powerful economic interests that it represented – sectors who were indifferent to indigenous well-being and hostile to any "indigenous specificity" such as language use. Protestantism permitted an element of local autonomy, training of indigenous pastors, and use of native languages (Laurent 2005, 81).

but it continued cooperating with the Division of Indigenous Affairs until May 2000, when it finally withdrew from Colombia (Green and Houghton 2000, 151).[299]

The advent and impact of activist organizations

Throughout Latin America, the 1960s and 70s bore witness to an "indigenous awakening" (Laurent 2005, 67). The first indigenous organisation formed in modern Colombia was CRIC, created in 1971 in the south-western department of Cauca, with a large indigenous population, principally Nasa and Guambianos, living in conditions of tremendous poverty and unequal land distribution (Laurent 2005, 70).[300] Its main claims concerned land,[301] but even at the earliest stages CRIC voiced demands for protection of language and culture, including the training of indigenous teachers for imparting bilingual and bicultural education in the communities (Laurent 2005, 71; Pineda Camacho 2000, 151). CRIC faced numerous challenges in its struggles to regain traditional lands – including the assassination of over 50 leaders between 1971 and 1979 – but its successes included the building of linkages with indigenous and progressive civil society groups throughout Colombia (Laurent 2005, 73-74). CRIC served as a role model for the creation over the ensuing decade of numerous regional councils or organisations all over Colombia, with aims to recover lands, restore traditional authorities, implement health and education programs, and achieve a development adapted to their specific conditions (Laurent 2005, 74).

The culmination of this organisational activity was the establishment in 1982 of ONIC, an umbrella entity bringing together all these groups. Organisations continued proliferating for the remainder of the 1980s, at times (as with CRIC) bringing together various indigenous ethnicities who shared the same zones, in some cases even coordinating across national

[299] Venezuela's recent expulsion of a group of SIL missionaries was met by protests from the affected indigenous groups, indicating the complexity of these issues (as suggested by Chapter 4) – quite apart from the matter of respect for those communities' agency regarding their religious affiliation, the missions provide services and material benefits that the state may not.

[300] Cauca was also the birthplace of the first regular news journal issued for Colombian Indians, *Unidad Indígena*, which later became the official organ of ONIC (Laurent 2005, 79).

[301] CRIC was founded by people who had spent the previous few years agitating for land reform as part of ANUC (*Asociación Nacional de Usuarios Campesino*, or National Association of Peasants) but came to realize that it did not adequately represente the specific interests of indigenous communities (Gröll 2009, 72).

borders with Brazil, Peru and Ecuador (Laurent 2005, 76-77). Although there were increasing tensions within ONIC, by 1990 it had brought together thirty-eight different organizations, was present in every department, and represented about 90 per cent of the organized indigenous population (Laurent 2005, 77).

Prior to the 1980s neither the dominant Liberal and Conservative parties nor the alternative leftwing groupings gave any space to indigenous issues in their platforms (Avirama and Márquez 1994). Indigenous activism eventually changed that exclusion and even brought their organisations into state processes, starting off in 1983 with ONIC being granted a place on the National Indigenous Committee that brought together state organs with responsibilities touching upon indigenous communities (Gröll 2009, 74).[302] In addition to litigation and lobbying, the methods of indigenous protest have included land seizures, road blockades, long marches to departmental capitals, and occupation of government buildings. However, there were also a few splinter groups that resorted to revolutionary violence along the lines of that exercised by rebel groups such as FARC, notably the Quintín Lame Movement (MQL), which originated in 1981 as a self-defence force among indigenous communities of the south-western departments. MQL laid down its weapons in 1991 and had a representative in the constituent assembly of that year (Laurent 2005, 91-102; Bushnell 1993; Avirama and Márquez 1994).[303]

Parallel to this activity, the first activist organization for Afro-Colombians, CIMARRÓN,[304] was formed in 1976, inspired to a large degree by the US civil rights movements. Around the same time, black academics established two centres devoted to research into Afro-Colombian issues (Castillo 2007, 179).

The heightened consciousness within minority communities that propelled this wave of activism was accompanied by a phenomenon of social movements in Colombian society

[302] As mentioned below, ONIC was also given representation on the National Committee for Aboriginal Languages. The current manifestations of formalised participation of ONIC, CRIC and other indigenous organisations in consultation mechanisms and other state planning processes are discussed further below.

[303] MAR (2003) discusses two smaller indigenous armed movements.

[304] The Spanish word *cimarrón* equates to the English "maroon", meaning escaped slave, and is a term laden with significance in activism and writing on the African presence in Latin America. This is especially so in Colombia, where San Basilio de Palenque, home of the creole language Palenquero, was founded by maroons.

more broadly, in the 1980s in particular, which brought in new perceptions of indigenous peoples that also paved the way for the constitutional transformation of the latter's relationship with the state (Ulloa 2005). State institutions became more responsive to the demands of indigenous communities, most clearly manifested in the granting of collective title to vast tracts of lands in Amazonia and Orinoquia under the Liberal presidency of Virgilio Barco between 1986 and 1990 (Roldán Ortega 2000).

A new direction in education

The 1887 Concordat with the Holy See was replaced by a new one in 1973 that applied a greater level of state supervision and required sharing budget with the secretariats of education in the departments. According to Pineda Camacho (2000, 152), the new ways of thinking that had been encouraged by Vatican II led some members of the missionary orders to show solidarity with the indigenous cause and greater respect for native cultures,[305] and also resulted in the creation of an institute of anthropology for the missions.

The alternative visions of education that emerged in the 1970s with the rise of Indian movements – not just in Colombia but right across Latin America (Hamel 1994a) – began to receive attention from non-indigenous persons, including those who were within state institutions. In 1978 the national Education Ministry issued Decree 1142, which authorized introducing children to literacy in their mother tongues, effectively initiating official support for bilingual and bicultural education (de Mejia 2005, 50-51). A group of professionals within the Ministry coalesced informally to advocate new approaches to teaching in indigenous schools, and Decree 1142 was a result of their efforts, despite a lack of enthusiasm on the part of their superiors (former education bureaucrat, pers. comm. 2010). In 1982 that informal team worked with other experts and ONIC to develop guidelines for implementing the 1978 decree.

Simultaneously, a number of indigenous communities were embarking upon their own educational projects. Most notably, in 1982 the Arhuacos of the Sierra Nevada de Santa Marta expelled the Capuchin fathers from their lands and took responsibility for their own

[305] Indigenous priest Álvaro Ulcué had a leading role in supporting the Nasa language in Cauca, but was assassinated for his political activism (Rappaport 2005).

schooling, on their own terms. In 1984 a further resolution of the Ministry of Education recognized the program of the Arhuacos and defined ethnoeducation as an official policy of the Ministry (Green and Houghton 2000, 213), and in 1985 the team, now formalised, collaborated with ONIC to stage the first national conference on ethnoeducation (MEN & ONIC 1986; Rojas 2011). By 1990 the Ministry´s ethnoeducation activities covered 60 per cent of Colombia´s ethnic groups and had implemented training programs that produced 750 teachers from fifteen indigenous groups, in addition to research programs for alphabet design and preparation of materials (Pineda Camacho 2000, 153).

As well as progress in relation to the provision of education in indigenous languages in schools, there were numerous developments in terms of the study of minority languages and ethnoeducational pedagogy within Colombia´s universities. The directors of the Caro and Cuervo Institute authorised an official return to research on native languages in 1976 and created an Indigenous Linguistics Section in 1978 (González de Pérez 2009, 5-6). The CNLA (National Committee of Aboriginal Linguistics) was founded in 1982, charged with advising the government regarding the study, promotion, conservation and development of minority languages. [306] However, the Committee´s plans were never adequately implemented owing to insufficient funding and lack of commitment by some of the entities involved (former CNLA members, pers. comm. 2010).[307]

According to Pineda Camacho (2000, 153), who chaired the CNLA in the early 1990s, one thing it was able to do was lend its support to the establishment of ethnolinguistics programs in the University of Los Andes and the National University of Colombia (both in Bogota), the University of Antioquia (in Medellín), and the University of Cauca (in Popayán). The first of these was the Masters in Ethnolinguistics at the University of Los Andes. It was started in

[306] Green and Houghton (2000, 213-214) consider that the use of the word "linguistics" in the CNLA´s title showed it was concerned more with protecting and promoting linguistics than protecting and promoting languages. They also criticise it for being overly governmental, consisting of an appointee from each of four government departments, two universities, three research institutes, with ONIC supplying the only member to represent the indigenous communities.

[307] This lack of institutional continuity and commitment, which has resonance for an analysis of the most recent language policies examined in this thesis (see Chapter 7), is exemplified by the fact that the Committee´s bulletin, *Gritón*, was in fact only issued twice, once in 1994 and once in 1995 (under the auspices of the Instituto Colombiano de Cultura, the predecessor of the Culture Ministry).

1984 by the French Basque linguist Jon Landaburu[308] and was particularly important in preparing a generation of ethnolinguists who carried out fieldwork and prepared numerous grammars and other studies of Colombia´s indigenous and creole languages (Gröll 2009, 69-70).[309] Around a quarter of those graduates came from minority communities themselves, many of whom were subsequently engaged by the Education Ministry to assist with the development of ethnoeducational programs (Enciso Patiño 2004; Aguirre Licht 2004). As Chapter 6 explains, in 2008 four of those minority graduates came to have roles in the PPDE.

In 1988 Landaburu, accompanied by graduates from his program and funded by France´s National Centre for Research (CNRS), founded CCELA (Colombian Centre for Studies of Aboriginal Languages)[310] as a centre for the study of indigenous languages within the University of Los Andes in Bogotá. CCELA swiftly took a leading role in studies in descriptive linguistics and also in the production of materials that would be of use in indigenous communities (Gröll 2009, 70; Aguirre Licht 2004).

Undergraduate degrees in ethnoeducation, oriented to producing teachers for such programs, also began to be established, ultimately present in five universities. This multiplicity of linguistics and ethnoeducational training programs and research served to undermine the effective monopoly that SIL had maintained in the field, which cleared the path for the non-renewal of its contract with the Colombian state (Pineda Camacho 2000, 154).[311]

1991: Paradigm shift – new international obligations, new constitution

The legal context for minority languages in Colombia, and indeed for place of their speakers within the legal and political system, was transformed by the introduction of the new constitution in 1991. No other event, not even independence from Spain, has had such an

[308] Landaburu's role in the development of the PPDE and Native Languages Law is discussed further in Chapter 6. Several of the indigenous and Afro-Colombian students who graduated from the Ethnolinguistics Masters at Los Andes were contracted by the Culture Ministry as coordinators in the PPDE.

[309] Such an effort to train community members is of course a measure recommended by the LRJ model elaborated in Chapter 4.

[310] *Centro Colombiano de Estudios de Lenguas Aborígenes*.

[311] Pineda Camacho (2000, 153) also notes that in 1982 the National Department of Planning included the promotion of linguistic research as an action in its National Plan for Development of Indigenous Populations.

impact on the discourses and dispositions of the Colombian state regarding its ethnic minorities. The second most transformative realignment of the principles governing the state´s relation with those groups happened in March of the same year: through the enactment of Law 21 of 1991 the Colombian congress ratified ILO Convention 169 on Indigenous and Tribal Peoples. As was seen in Chapter 3, this Convention imposed a range of obligations on the Colombian state, for example recognition of cultural rights and the requirement to consult with native peoples before undertaking actions affecting their interests. Its significance for native languages was shown by its impact on subsequent development of legislation and regulations on ethnoeducation (Roldán Ortega 2000, 66) and more recently by its provisions being cited, alongside key articles of the 1991 Constitution, in the title of the Native Languages Law as justification for the latter´s enactment.

Against a backdrop of bombings and assassinations by guerrillas and drug cartels that pointed to the corruption and ineffectiveness of the state and the injustices of society, a massive campaign by student organisations and allied social movements called for the drafting of a new constitution to re-create Colombian institutions (Lemaitre Ripoll 2009, 89-108). In December 1990, elections were held for a National Constituent Assembly, returning two indigenous representatives.[312] This provided a unique opportunity for voices normally sidelined or silenced in Colombian political processes to make themselves heard. The lack of any clear majority in the Assembly meant that the support of the two indigenous delegates was required by their colleagues, thus raising the chances of acceptance for their demands (Laurent 2005). Those demands centred around territorial autonomy, political participation in the state decisions that affected them, and respect for cultural difference – the latter defined to include co-officiality of indigenous languages in their territories, right to educate their children in the values of their people, and rights to justice in accordance with indigenous law (Castillo 2007, 248). In putting forward their claims, the indigenous Assembly members were supported by the recently ratified ILO Convention 169. As a consequence of these circumstances, the fruit of the Assembly´s deliberations in 1991 was an unusually progressive document, with an emphasis on human rights and inclusion utterly foreign to its 1886 predecessor.

[312] This result was unexpected, and, like the election of members of the recently demobilised M-19 guerrilla movement, largely due to the fact that only 27.1 per cent of the enrolled electorate had participated, as many people – especially, it would seem, the more conservatively inclined – heeded boycott calls from traditionalist members of Congress (Castillo 2007, 244).

The resulting constitution democratised and decentralised the Colombian state, for example by mandating the election of mayors and departmental governors; it strengthened the separation of powers; it recast parliamentary bodies and electoral systems in an attempt to make them more representative and less beholden to corruption and clientelism. A long list of human rights was enumerated, including economic, social and cultural rights as well as those from the civil and political rights category. The reorganisation of the judicial system included the creation of a Constitutional Court, designed to rule on the constitutionality of a range of measures by the national legislative and executive arms. The Constitutional Court also receives writs of *tutela*, a legal mechanism for citizens to seek protection of fundamental rights. For protection of rights not defined as fundamental, claimants can utilise other judicial venues for writs of compliance with administrative action and popular actions for collective rights. One provision even made study of the Constitution mandatory in all educational institutions.

The 1991 Constitution was intended to address a wide range of problems, [313] so only a few of its articles specifically addressed ethnic minorities. Nonetheless, Van Cott has described it as "the most ambitious attempt of any Latin American state to implement legal pluralism" (2000, 223). The new constitution proclaimed far-reaching rights in terms of self-governance and ownership of land. It provided for establishment of indigenous government units, building on the pre-existing system of *resguardos*, plus the transfer of large tracts of land to collective ownership. Article 171 reserves two senate seats for indigenous Colombians,[314] and Article 246 recognises customary law. Another article swept away provisions of the 1890 law, discussed earlier in this chapter, that gave Indians the status of minors and denied them the capacity to sell, lease, mortgage or gift their land (Avirama and Márquez 1994).

[313] In the words of Bushnell (1993, 251): "No specific provisions could quite explain the euphoria with which the new constitution was greeted by broad segments of Colombian opinion. The problems lately afflicting the country could not fairly be blamed (with rare exceptions) on the written text of the previous constitution", yet the reform went towards addressing perceptions that "institutions were inadequate to the challenges they faced" and restoring national confidence.

[314] Subsequent legislation reserved a seat for Afro-Colombians.

Five constitutional provisions are cited in the title of the Native Languages Law: [315]

> Article 7: The state recognizes and protects the ethnic and cultural diversity of the Colombian nation.
>
> Article 8: It is the obligation of the state and of individuals to protect the cultural and natural assets of the nation.
>
> Article 10: Spanish is the official language of Colombia. The languages and dialects of ethnic groups are also official in their territories. The education provided in communities with their own linguistic traditions will be bilingual.
>
> Article70: The state has the obligation to promote and foster the equal access of all Colombians to their culture by means of permanent education and scientific, technical, artistic, and professional instruction at all stages in the process of creating the national identity.
> Culture in its diverse manifestations is the basis of nationality. The state recognizes the equality and dignity of all those who live together in the country. The state will promote research, science, development, and the diffusion of the nation's cultural values.

In addition, there are two other articles are of relevance to language and ethnoeducation:

> Article 68: ... The educational community will participate in the management of the educational institutions. ... The members of ethnic groups will have the right to training that respects and develops their cultural identity. ...
>
> Article 72: The nation's cultural heritage is under the protection of the state. The nation's archaeological heritage and other cultural resources that shape the national identity belong to the nation and are inalienable, unseizable, and imprescriptible. The law will establish the mechanisms to restore control over those that are in the hands of individuals and will regulate the special rights that ethnic groups may enjoy when they occupy territories of archaeological wealth.

[315] Articles 1 to 10 constitute the section on fundamental principles, while articles 42 to 77 form a chapter on economic, social and cultural rights.

The reference in Article 10 to "languages ... of the ethnic groups" rather than to "indigenous languages" ensured coverage of Palenquero and Raizal, the two Afro-Colombian creole languages.[316] Despite the success of so many "outsiders" in the elections for the Assembly, no Afro-Colombians had received a seat in it, and it was up to the more progressive members, and particularly the two indigenous representatives, to ensure the voice of Afro-Colombians was heard (Green and Houghton 2000, 215). To guarantee a legal outcome that represented black interests, the Assembly approved a transitory provision, Article 55, which provided that a commission was to be established to devise a specific law concerning the rights of Afro-Colombians.

Building on the new constitutional foundation: advances and setbacks

One of the consequences of the Constitution and its emphasis on the pluricultural nature of Colombian society is that references to cultural diversity and ethnic groups have become fixtures in the discourses of policy making and political activity.

Until the creation of the PPDE, the new embrace of diversity was rarely expressed in the domain of language policy. In 1992, in a rare example of cross-border coordination, Wayuunaiki, the language of the Wayúu people, was officially declared to be an official language in both the Colombian department of La Guajira and in the adjoining Venezuelan state of Zulia (van Leenden and Justo 1998). However, this did not lead to any use of the language in administration or even signage (Wayúu writer, pers. comm. 2011), despite indigenous residents constituting 44.94 percent of the La Guajira departmental population (DANE 2007, 39).

In the same year, a project funded by the office of the Presidency undertook the translation of forty key articles of the new constitution into seven indigenous languages. This necessitated great linguistics labour given not just the absence in those languages of many of the terms used, but also the lack of the underlying concepts in the respective cultures (Landaburu 1995, 5-7). It appears that that effort was not repeated with other documents or other languages in the period before the 2011 enactment of the Native Languages Law.

[316] At later stage, its wording meant Article 10 could also be understood to apply to Romany.

Fulfilling the stipulations of the constitution's Transitory Article 55, Law 70 of 1993 recognised the cultural identity of black communities and charged the state with the responsibility of protecting that culture. It further committed the state to providing Afro-Colombian children with an education specific to their needs and cultural differences, with educational services and programs developed in cooperation with the communities (Palacio Hinestroza 1998, 123-126). The General Law of Education enacted the following year was therefore able to expand its description of ethnoeducation programs to include new proposals for Afro-Colombians. The 1994 law advanced the earlier guidelines in many respects, such as an increased role for communities in choosing teachers and establishing mechanisms for training indigenous language speakers without complete primary education.[317] However, as analysed by Liddicoat and Curnow (2007), the 1994 General Law of Education retains the concept of ethnoeducation as a transitional program for development of literacy skills in mother tongues as a first step to literacy in Spanish, and is not directed at language maintenance.

In 1994 the separate Division of Ethnoeducation in the Ministry of Education was dissolved and its functions transferred to the community education program (Pineda Camacho 2000, 156). The incoming Minister also ordered retrenchments of some of the staff who had worked on ethnoeducation since its beginnings in the 1970s (former education bureaucrat, pers. comm. 2010). The loss of the accumulated knowledge and experience is another example of the discontinuity and inconsistency that has marked Colombian policy regarding minority languages throughout recent decades.[318] The particular deficiencies of ethnoeducation policies, and their ineffectiveness in reversing the decline in use of minority languages, will be examined further in Chapter 7.

[317] The Education Ministry issued Decree 804 of 1995 to provide more detailed guidelines for specific aspects of ethnoeducation programs, such as selection of teachers from the communities, curriculum development and alphabet design (Pineda Camacho 2000, 156).

[318] Avirama and Márquez (1994), in a section on the institutional framework for state-indigenous relations, include a comment of interest: staff members in the Office of Ethnoeducation in the national education ministry were initially "quite interested in receiving proposals from the indigenous organisations, and the Education Ministry welcomed these proposed education policies as their own. Nevertheless, the Ministry did not allocate the resources necessary for the development of this work and created other operational obstacles for its staff, causing many to leave the office" (94).

In 1995 the Constitutional Court, which has made a series of interpretations of constitutional obligations and rights with far-reaching effects for governmental actions and inaction (Sánchez 2010),[319] made the first, and so far only, ruling on the provisions of the 1991 Constitution regarding minority linguistic rights. During election campaigns in the isolated department of Guainía, along the Venezuelan border, the governor had purported to prohibit radio broadcasts of a political nature in languages other than Spanish – even though 98.7 per cent of Guainía´s population was indigenous (Pineda Camacho 2000, 156-157). The court struck down the prohibition, declaring it to be a violation of the principles of ethnic and cultural diversity set out in the constitution – particularly of Article 10, which establishes indigenous languages as co-official in their respective territories – as well as a breach of international treaties and a form of racial discrimination (Constitutional Court, Sentence T-234).

Writing nine years after the enactment of the Constitution, Green and Houghton (2000, 215) considered that its main effect in terms of the language-related demands of indigenous groups was the decentralization of administration and education that merely served to transfer the "problem" of native languages to the regional and departmental level. For those activists,[320] one of the few national actions in terms of language policy was the 1992 announcement by the Ministry of Education of an official "Week of the languages" to be celebrated in schools, and even this has depended on the willingness of teachers.[321] Meanwhile, the Civil Registry

[319] The decisions include the ruling that international human rights treaties are accorded constitutional status by the principle of "block of constitutionality", which augments the Constitution's provisions on human rights. It remains to be seen whether the 2007 UN Declaration on the Rights of Indigenous Peoples, which Colombia adhered to in 2009, will be used by the Constitutional Court to broaden the obligations of the state towards the Indian population.

[320] Despite the English surname, Abadio Green is fully indigenous in both ancestry and upbringing (another of his surnames is Manipiniktikinya), being a Panama-born Kuna who undertook the Ethnolinguistics Masters at Los Andes University and then spent years working on ethnoeducational projects from the side of the indigenous communities. A period as head of the Indigenous Organisation of Antioquia was followed by presidency of ONIC for much of the 1990s. He was also engaged as a consultant for the Culture Ministry's PPDE work. In September 2013 he was selected as one of the indigenous members of the new Advisory Council for Native Languages.

[321] The fact that it is timed to coincide with the birth of Cervantes, 23 April, made it easy for this week to focus on Spanish language. This is one reason why the PPDE announced that a day in February would focus solely on minority languages (Culture Ministry staffer, pers. comm. 2010).

still presented impediments to people who wanted to register names in accordance with their native languages (Landaburu and de Vengoechea 2002, 33). Indeed, as disclosed by a recent book and documentary,[322] Registry staff would even assign offensive names to indigenous applicants who did not understand Spanish or lacked literacy in it.

In 2000 the French funding for CCELA ceased. The refusal of the host institution, the University of Los Andes – a tremendously wealthy private institution – to replace that funding led to the near-collapse of CCELA, reducing it to just one staff member. Starts and stops in funding flows are very much a part of university operations, but from an LRJ perspective it was a major step backwards in terms of a contribution by privileged sectors of majority society to efforts by indigenous communities to have their languages understood and maintained.

Thus, prior to the introduction of the PPDE in 2008, the scorecard of the Colombian state regarding compliance with language-related international and constitutional obligations was varied. There were tremendous efforts made by some individuals, communities and organisations, but in the main, state entities rarely did more than make statements with symbolic effect but little real impact. With the exception of minor actions taken by the Culture Ministry from 2005 onwards, state attention to indigenous languages was almost completely confined to the field of ethnoeducation, which was rarely to the satisfaction of the communities concerned, nor sufficient to shore up threatened languages or truly guarantee the linguistic rights of indigenous Colombians.

RELEVANT COMPONENTS OF THE COLOMBIAN STATE ARCHITECTURE

The multicultural transformation in official rhetoric since 1991 has been accompanied by the multiplication of such attention in a wide range of government organs directed at both indigenous and Afro-Colombian communities. The Division of Indigenous Affairs that began in the predecessor to the Interior Ministry in 1958 is now just one of numerous units within public sector entities at national, departmental and local levels that focus on the particular

[322] *Nacimos el 31 de diciembre* (Born the 31st of December), by Priscila Padilla, 2011.

needs of indigenous groups, Afro-Colombians, Roma or minorities in general.[323] At the national scale, minority-dedicated sections have functioned since the 1990s within the Treasury, Ministry of Health and Social Protection, Culture Ministry and at times the Education Ministry. Just below the ministerial level, both the Procuraduría (Attorney General's Office) and Defensor del Pueblo (Ombudsman) have units specifically charged with acting to further the interests of indigenous and Afro-Colombian communities – for example, both have initiated or intervened in court cases against failures to undertake adequate prior consultation by other organs of government as by private enterprises.

In the parlance of Colombian multicultural politics,[324] a key concept is that of *concertación*, which denotes processes of negotiation between institutions and ethnic groups in order to consult with those groups and work towards a consensus on government actions.[325] This term is stated to be a guiding principle in the Native Languages Law and is repeated in numerous provisions with reference to specific cases, requiring the Culture Ministry and other entities to develop regulations, programs and plans via engagement in such a process with the peoples concerned. At the national level, a number of spaces have been created for *concertación* between organs of government and each recognised ethnic category. Each forum convenes a certain number of times a year, including representatives from a variety of ethnic organisations and traditional authorities and delegates from each of the main ministries (generally the director or his/her delegate from the internal unit dedicated to ethnic group affairs). Currently those consultative bodies are:

[323] Indeed, since approximately 2003 this has served as a model for inclusion of other minorities as subjects of focused policy making and implementation, notably the LGBT (lesbian, gay, bisexual and transsexual) communities (policy consultant, pers. comm. 2010). For example, the Interior Ministry now has, alongside a division dedicated to Afro-Colombian issues of law and governance, a Division of Indigenous Affairs, Minorities and Roma. An Interior Ministry official confirmed (pers. comm. 2010) that "Minorities" is not intended to include immigrant groups such as Jewish, Japanese or Syro-Lebanese, and instead solely addresses LGBT Colombians.

[324] Another common term: many entities stipulate among their objectives the importance of applying an *enfoque diferencial* (differential approach) to the ethnic groups and their social needs.

[325] I will keep using the Spanish term, in italics, rather than adopt the English word concertation, which does not carry the same meanings. Nor do I consider the precise nuances to be adequately captured in other English approximations such as "consensus-building" or "agreement-reaching". I will reserve the word "consultation" for discussion of the prior consultation with indigenous peoples required by ILO 169 (labelled *consulta* in Spanish).

1. Permanent Roundtable for *Concertación* with Indigenous Peoples and Organisations[326]
2. High Level Consultative Commission for Black, Afro-Colombian, Raizal and Palenquero Communities[327]
3. National Commission for Dialogue with the Roma or Gypsy People.[328]

The multicultural machinery of state has recently been supplemented by the creation of the Presidential Program for the Integral Development of Indigenous Peoples, an entity proposed when Juan Manuel Santos took over as President in 2010. The head of the program is the former senator Gabriel Muyuy Jacanamejoy, a leader of the Inga people.

Interior Ministry

The Interior Ministry[329] contains three sections that have key roles in multicultural politics and policy.

1. Division of Indigenous, Minority and Roma Affairs:[330] the most important body in terms of the state's relationship with indigenous groups and gypsies. This division is responsible for running the Permanent Roundtable and similar roundtables that are staged through the year at a macro-regional level. Another important role is deciding which groups will receive official recognition as indigenous peoples, a controversial task that is complicated in the age of re-Indianisation. Analogously to what occurs in Constitutional Court cases on indigenous jurisdictions, this recognition process is mediated partly through advice from anthropologist experts as to the "authenticity" of the group's cultural practices – blood descent and self-identification are not sufficient conditions (Sánchez Botero 2005, Bonilla Maldonado 2006).

[326] *Mesa Permanente de Concertación con los Pueblos y Organizaciones Indígenas*

[327] *Comisión Consultiva de Alto Nivel de Comunidades Negras, Afrocolombianas, Raizales y Palanqueras*

[328] *Comisión Nacional de diálogo con el Pueblo Rom o Gitano*

[329] The Interior Ministry was fused with the Justice Ministry in late 2002 under President Uribe. However the two ministries were again separated in 2011, under President Santos, and the units referred to were essentially unaffected by both the fusion and the separation. I will refer to it as "Interior Ministry" regardless of the time period under discussion.

[330] *Dirección de Asuntos Indígenas, Minorías y Rom*.

2. Division of Affairs for Black, Afro-Colombian, Raizal and Palenquero Communities: this division chairs the High Level Consultative Commission for those groups, as well as possessing responsibilities for lower level processes of *concertación* and for recognition of the organisations and communal bodies that are authorised to serve as interlocutors between the communities and the state.
3. Group for Prior Consultation: any public or private entity wishing to embark on a development project is first required to ask this unit whether there are any indigenous, Afro-Colombian or Roma communities located in the proposed development area. If the answer is positive, then a process of prior consultation must be carried out. The Group has to be satisfied that the process is indeed undertaken, and in a way compliant with the principles of ILO 169 and the 1991 Constitution as interpreted by the Constitutional Court.

Education Ministry

Given its great significance to the processes being explored by my research, ethnoeducation will be discussed in more detail subsequently, as will the role of the Education Ministry in the development of the policies being discussed. In terms of internal divisions that specifically target the ethnic minorities, the ministry had a dedicated Ethnoeducation unit from 1985 to 2002; that work is now located within the Office for Quality in Pre-school, Primary and Secondary Education. It has two forums for *concertación* of ministerial activities with the ethnic groups: CONTCEPI[331] for indigenous peoples and the Pedagogic Commission for Black Communities.[332]

Culture Ministry

The Culture Ministry was created by the General Law of Culture of 1997, taking over from Colcultura, a body established as a dependency of the Education Ministry in 1968 to govern fields of art, literature, folklore, libraries, museums, heritage and related issues. Ministerial

[331] CONTCEPI (National Commission for Concertación of Education for Indigenous Peoples) consists of twenty indigenous representatives, the Education Minister (plus two delegates), and the Director of Indigenous Affairs from Interior Ministry, and meeting at least thrice annually.

[332] Forum for *concertación* with the Palenquero, Raizal and general Afro-Colombian communities.

status brought with it the additional responsibilities of cinema, "ethnoculture" and youth. Many of my interviewees repeated the cliché of it being the "Cinderella" among the ministries, with little importance and even less financing, so that it is challenged to fund adequately the entities attached to it: National Museum, National Library network, General Archive, the sports institute Coldeportes, the Colombian Institute of Anthropology and History (ICANH) and the Caro and Cuervo Institute.[333] The latter two entities, already referred to in the historical survey above, require further explanation given their role in the evolution of Colombian language policy:

1. ICANH: its research and publication endeavours have covered numerous indigenous and Afro-Colombian topics, at times touching upon linguistic matters. Although it did not have a role in the PPDE or in the development of the Native Languages Law, ICANH is mentioned in the legislation in relation to its research tasks. It is also expected to contribute a member to the National Advisory Council on Native Languages.
2. Caro and Cuervo Institute: primarily dedicated to research on Spanish philology and literature, and well-regarded throughout the Hispanosphere for that work, this centre once also had a sizeable team devoted to native languages. Those researchers were particularly active from the 1970s up until 2000, when the Institute published a hefty tome as the ultimate reference work on Colombia's aboriginal languages,[334] but there are now only two researchers working on indigenous languages. It is a financial dependency of the Culture Ministry – whereas ICANH has a guaranteed separate source of funding – and has been severely under-funded since the 1990s.

Other levels of government

Depending on the identity and number of their minority populations, many lower-level jurisdictions have also established structures and processes to address the needs of ethnic

[333] A number of other cultural institutions are controlled by the Bank of the Republic – and quite well-funded by it. These include a second national library system (with quality research libraries in the major cities), an extensive art collection donated by the renowned Colombian painter Fernando Botero, custody of several churches with holdings of colonial art, and various branches of the Museum of Gold (*Mueso de Oro*), which contains treasures from pre-Columbian societies. It seems there has never been any serious suggestion of transferring or subordinating these to Culture Ministry control.

[334] Namely: González de Pérez & Rodríguez de Montes (eds) 2000.

groups. Secretariats of culture and education in the departments with large Indian populations will necessarily devote resources to indigenous issues. A well-resourced department like Antioquia is able to have programs and units that cater to the ethnic populations in a way that strongly parallels the national structures. There are also lower level spaces for *concertación* and consultation, such as the Roundtable for *Concertación* with the Raizal Population in the Archipelago of San Andrés and Providencia, and consultative commissions on ethnoeducation in many Amazonian and Orinoquian departments (in which the Catholic religious orders that administer the schools in some of those areas participate alongside representatives of the departmental government, the national Education Ministry and the local indigenous organisations and traditional authorities). Several persons with experience in the field told me that departmental education secretariats frequently have little interest in supporting native language use in schools, so it is questionable whether the agreements reached in some of those forums are fully expressed in practice.[335]

IMPLICATIONS OF CONTEXTUAL FACTORS FOR COLOMBIAN LANGUAGE POLICY

A number of key elements emerge from the analysis undertaken in this chapter. It points to the heightened contemporary roles played by indigenous authorities and organisations as actors in purportedly multicultural political and bureaucratic structures – a factor of significance for the language policy process analysed in Chapters 6 and Chapter 7. In highlighting the lack of commitment and consistency that typified state approaches to indigenous languages and cultures in the past, this examination anticipates Chapter 7's critique of the lip service that present-day Colombian politicians and bureaucrats give to the notion of cultural diversity.

Importantly for my application of the conceptual framework of LRJ, this chapter has demonstrated that the violent acts and other historic injustices committed against indigenous peoples at the time of the conquest continued right through the colonial period and into the twentieth century. Those injustices had negative consequences for the vitality of Colombia's

[335] The critical analysis in Calvo Población & García Bravo (2013) includes discussion of problems at the departmental and local levels regarding implementation of ethno-education, while Correa et al. (2012) use statistics to detail deficiencies in education provision in each of the Amazonian departments they examine.

indigenous languages and linguistic practices. Further, the Colombian state – whether through hostility, assimilatory intent, indifference or inefficiency – did not adequately comply with the progressively strengthening international law obligations, outlined in Chapter 3, that relate to the languages and cultures of indigenous and other minorities. That non-compliance has led to further debilitation of those languages. And while these findings are likely to hold true for other Latin American countries and also for the Anglophone settler states, the ongoing conflict in Colombia has meant that in recent decades indigenous communities have suffered additional acts of injustice with additional negative consequences for language. Thus, aside from the moral responsibility discussed in Chapter 2, Colombia appears more likely to be legally obliged to provide LRJ than most other states with indigenous populations. This makes it even more cogent to analyse the degree to which the PPDE and Native Languages Law, and any related implementing measures, may indeed represent the delivery of LRJ.

CHAPTER 6

FORMULATION AND IMPLEMENTATION OF COLOMBIA'S MINORITY LANGUAGE POLICIES

This chapter examines the changing fortunes of the policy package intended to maintain the traditional languages of Colombia's ethnic minorities and support the linguistic rights of group members. The analysis covers the period from late 2007, when the country's new Culture Minister proposed what was officialised as the Protection Program for Ethnolinguistic Diversity (PPDE), up to the present. It addresses the roles played by the main actors and institutions involved in the processes of development and implementation of the PPDE and the Native Languages Law (LLN) that emerged from it. It also scrutinises the constant flux and conflict between the contextual circumstances that facilitated the development of the policies, and other factors that hindered successful implementation of those policies.[336]

This examination is based upon the interviews, conversations, observations and documentary material that I gathered during my field research, so it is this chapter that most strongly incorporates the ethnographic thick description informing the case study analysed here in Part B. The analysis demonstrates that the new policy bundle's potential to reverse a history of unfavourable state action vis-à-vis indigenous languages – and therefore to be a vehicle for the delivery of LRJ measures – was soon eclipsed by competing bureaucratic priorities, a decline facilitated by a lack of visibility and of support from the relevant institutions and organisations.

"THE PLANETS WERE IN ALIGNMENT": WHY A LANGUAGE POLICY IN 2008?

As shown in the previous chapter, the Colombian state, through the national Education Ministry, has expressed a commitment to ethno-education since 1978, with an indigenous language component specifically included. The 1991 Constitution confirmed these

[336] As was the case with Chapter 5, the account given in this chapter is a general outline that emphasises aspects of cogency for the analysis that will follow in Chapter 7. A greater level of detail is available in the chronology included as Appendix B.

commitments, as well as providing for the co-officialisation of minority languages in their respective ethnic territories. However, I have not discovered evidence of any proposals from Colombian government institutions in favour of developing legislation or some other national policy vehicle to support minority languages prior to the commencement of Paula Marcela Moreno Zapata as Minister of Culture in May 2007.

For example, while they did contain references to supporting ethno-education and cultural integrity, there was no mention of indigenous languages in the National Development Plans of 1998-2002, 2002-2006 and 2006-2010.[337] Further, there does not appear to have been any pressure applied on the Culture Ministry by the Uribe administration, despite an apparent need for the government to improve its standing with minority communities and look better in the international eye. As noted in Chapter 5, Colombian linguists and indigenous activists had long advocated more state support for languages, but it does not appear to have been a call that resounded at very high levels around that time, or that had built to a deafening level – particularly given the cogency of the other priorities of ethnic organisations at that period, and their extreme dissatisfaction with the Uribe regime.[338]

Similarly, there is no evidence to suggest that either the PPDE or the Native Languages Law was a reaction to the contemporaneous passage of a language bill through the National Assembly of neighbouring Venezuela, news of which had been announced in December 2006. As shown in the Appendix B chronology, this was just one among a number of regional or international events that occurred during that timeframe. Strikingly, within a week of Moreno's designation as the next minister, the UN General Assembly declared that 2008 would be the "International Year of Languages" (UN 2007). Then in late July 2007 Moreno went to Chile to attend the annual conference of Ibero-American culture ministers, which produced a declaration identifying indigenous and Afro-descendant languages and cultures as an important heritage of cultural diversity, proclaimed a determination to protect native

[337] A requirement of the 1991 Constitution, a National Development Plan is created at the beginning of every presidential term, setting out the objectives and programs for that four-year period. The 2006-2010 Plan was drafted shortly before Paula Moreno's appointment and covered her entire period in the post.

[338] As the chronology in Appendix B shows with its sampling of scandals and atrocities from that period.

languages, and referred to a study of the viability of establishing an Ibero-American Institute of Native Languages (OEI 2007).[339]

Whatever the prompts, all the information available to me indicated that the creation of the PPDE was not an order from outside or above the Culture Ministry. Rather, it resulted from the arrival of a new minister who wished to leave her mark within the framework of a stated agenda to improve governmental attention to issues of ethnic and cultural diversity – an objective Moreno expressed even in the earliest media reports following the announcement of her appointment, and reaffirmed by adopting the ministerial slogan "Diverse Colombia: culture of all, culture for all".[340] With that general policy orientation, several factors in the immediate ministerial context pointed Moreno to minority languages as an appropriate policy target. As one ministerial official put it, "the planets were in alignment" (pers. comm. 2010).

The minister meets the linguist: the genesis of the PPDE

Aged only twenty-eight when appointed by President Álvaro Uribe, Moreno established two firsts in Colombian political history: the youngest person to have been made a minister, and the first black woman to head a ministry.[341] Despite her tender age she had already taught in universities, interned and consulted with international organisations, studied language in Italy, completed a Masters degree in management at Cambridge University, and established the Martin Luther King Scholarship Program with the US Embassy in Colombia to enable Afro-Colombians to study English in the US (Cabrera Pinzón & Aley 2007; El Tiempo 8/5/2007; Padilla 2013).

[339] On 13 September 2007 the country's indigenous organisations were appalled when Colombia was the only Latin American country not to vote in favour of UNDRIP (it abstained, as noted in Chapter 3), but it appears that Moreno was already making arrangements for ministerial work on linguistic diversity.

[340] "*Colombia Diversa: cultura de todos, cultura para todos*", which could also be translated as "Diverse Colombia: everybody's culture, culture for everybody". Under Moreno's successor, the Culture Ministry has utilised the motto of the Santos presidency: "Prosperity for all" (*Prosperidad para todos*).

[341] Rather than being from the traditional elite that tends to dominate Colombian politics, Moreno's lawyer mother and accountant father were from a town in northern Cauca department with a large Afro-Colombian population, and proximate to various indigenous *resguardos*. In contrast, her immediate predecessor was the great-granddaughter of two presidents and the grandniece of another.

At the time of Moreno's appointment, Democratic Party representatives in the US Congress were blocking approval of the US-Colombia Free Trade Agreement, a key economic and foreign policy objective of the Uribe administration. They pointed to deficiencies in human rights protection and labour conditions in Colombia, particularly the high rate of murders of trade union leaders and human rights defenders (Sanchez 2007).[342] Additionally, members of the Democratic Black Caucus in the US Congress had just criticised Colombia for its failure to tackle entrenched racism against its citizens of African descent (Semana 26/7/2007; Romero 2007). When Uribe announced Moreno's designation, some observers construed it as a stratagem to appease his critics in Washington (Arcadia 2007; El Tiempo 8/5/2007; Semana 2009), rather than as an attempt to bring in fresh approaches.[343]

It may have been those insinuations[344] that drove Moreno to prove she merited the position, a proof that entailed hard work and visibility. A number of interviewees saw Moreno's personal drive and determination as crucial in getting the PPDE established, securing funds for its work, and then pushing the Native Languages Law through Congress (pers. comm. 2010 and 2011).

In terms of Moreno's selection of minority languages, in addition to the contemporaneous events already mentioned, there were existing foundations to some of the PPDE's work orientations within the Culture Ministry. The ministry had been heavily involved with the ethnic communities since its inception in 1997. Part of this was through its Heritage Division[345] that promoted heritage listing and protection, under both national and UNESCO schemes, for intangible cultural heritage, which includes many cultural expressions made in

[342] In April 2007 US Congress froze $55.2 million of aid earmarked for the Colombian military (HRW 2007), and former US Vice-President Al Gore refused to attend a Miami environmental summit because of Uribe's presence in it (two days after claims were made in the Colombian Senate that in the 1980s paramilitaries met to plot killings on a property belonging to the Uribe family), a further international embarrassment for the Colombian president (Sanchez 2007).

[343] Colombia's subsequent report to the UN Committee on the Elimination of Racial Discrimination highlighted Moreno's appointment as an achievement under both *Participation of women in the political sphere* and *Afro-Colombian communities' participation in politics* (CERD 2008, 95, 98).

[344] Amidst other unfounded accusations – for example, the false claim that she undertook English studies in Cambridge rather than a Masters degree at the city's historic university (Culture Ministry official, pers.comm. 2010).

[345] *Dirección de Patrimonio*.

minority languages. Those orientations were stronger – and perhaps more connected with the communities themselves – in the activities of the section that became known as Ethnoculture Division and then Populations Division,[346] which conducted a number of actions relevant to the issue of languages in the early 2000s. For example, this unit established grants for indigenous and Afro-Colombian writers, including those who wrote in native languages, and prizes for research publications about those languages (Rocha Vivas 2013). In 2005 the Ethnoculture Division established a funding line specifically directed at cultural projects proposed by indigenous communities (Mincultura Compendio 2009, 356; Bodnar 2013, 17). Culture Ministry staff (pers. comm. 2010) were surprised by the number of proposals received that dealt with linguistic revitalisation or ethno-education projects. They met with a number of linguists to evaluate the merits of some of these projects. In January 2007, after deciding to investigate possible approaches for the Culture Ministry to conduct its work in relation to languages, ministerial officials met with Jon Landaburu,[347] having been advised that he was the best person to speak with. Thus, when Paula Moreno was seeking (or testing) ideas for implementing her cultural diversity agenda, her staff were able to confirm that language had been raised as an issue of interest to the ethnic groups, and could also propose Landaburu as someone to consult (Culture Ministry staff, pers. comm. 2010).

[346] Respectively *Dirección de Etnocultura* and *Dirección de Etnocultura.* Although "Populations" is the direct translation of the Spanish name *Poblaciones*, the meaning is perhaps closer to that of "communities" or "peoples" – i.e. this division is responsible for the cultural affairs of the ethnic groups, as the former name confirms. The change may have been necessitated when divisional responsibilities were expanded to cover other groups, such as LGBT and persons with disabilities.

[347] Landaburu played a crucial role in the establishment of the Masters programme in Ethnolinguistics at the University of Los Andes in 1984 and then CCELA in 1988 at that university with French funding, as discussed in Chapter 5. When CCELA was tasked by President Gaviria in 1992 with translating key portions of the new constitution into seven indigenous languages, Landaburu was in charge of the exercise (Landaburu 1997). Landaburu was also involved in efforts to resolve conflicts over writing systems for newly alphabetised native languages, since orthographic consensus was necessary before materials could be produced for ethno-education (Enciso Patiño 2004; Aguirre Licht 2004). When the French funding came to an end in 2000 and the University of Los Andes declined to replace the financing, Landaburu left to work with CNRS in Paris, where he became a director of research (UNESCOCAT 2012). Born in France to Spanish Basque parents, with studies to doctoral level in linguistics and anthropology at the Sorbonne, Landaburu began field work on Colombian languages in the late 1960s. He later married a local woman and took Colombian citizenship (French Embassy in Colombia 2010; UNESCOCAT 2012).

Another temporal coincidence seems to have played a part in Moreno's decision. While in Europe in early 2007, Landaburu visited the Basque Vice-Ministry for Language Policy and arranged for its senior officials to make an official trip to Colombia in July of that year. While in Bogotá they visited the leading institutions relating to their field of interest, and met with Paula Moreno in her new capacity as Culture Minister. Moreno then entered into communications with Landaburu and upon his return to Colombia around September 2007 engaged him as one of six expert consultants (Culture Ministry staff, pers. comm. 2011).

In late 2007 Landaburu set about devising the general terms of a program for linguistic diversity. He formed a team comprising four national coordinators who, in addition to having the necessary expertise, were preferably also members of ethnic groups and speakers of the respective ancestral language (Culture Ministry staff, pers. comm. 2010). Three of those coordinators were contracted from among the ethnic minority graduates of the Etnolinguistics Masters in which Landaburu had been involved at the University of Los Andes. One was a Cubeo from the Vaupés; another was a Palenquera; and the third was a Sikuani, from the Llanos (eastern savannah region). The linguist subsequently added as fourth coordinator had been working with CRIC on its language campaigns (González Garzón 2013). Landaburu also obtained some consulting assistance from a Kuna academic and activist who undertook the Ethnolinguistics Masters and was president of the Antioquia Indigenous Organisation and then of ONIC for much of the 1990s – someone likely to command respect in indigenous political circles.[348]

The PPDE in action: gathering information and raising awareness in the communities

In February 2008 Landaburu convened a meeting of Colombian linguists and anthropologists who had worked in the field of autochthonous languages, including about ten who were members of minority communities. That meeting confirmed Landaburu's preference to centre the PPDE on a survey of the sociolinguistic circumstances of the speakers of all the country's surviving native languages. As a model he was able to adapt the sociolinguistic survey carried out by CRIC in Cauca in early 2007, a campaign Landaburu had observed and that his fourth national coordinator had actively worked on before joining the PPDE (González

[348] This consultant, Abadio Green, has recently (late 2013) been appointed to the Native Languages Advisory Council, discussed later in this chapter.

Garzón 2013).[349] This model was supplemented with the expert advice of the Basque Vice-Ministry for Language Policy, which was provided to Colombia pursuant to an inter-institutional protocol (Bodnar 2013, 261).

The resulting "Sociolinguistic Autodiagnostic" was intended to be a statistically accurate survey of the sociolinguistic conditions of every Colombian ethnic group that retained its traditional language to any extent, and therefore serve as a guide to the health of such languages and subsequently a foundation for actions to be agreed between the state and the communities concerned (Mincultura Compendio 2009; Bodnar 2013).[350] The "auto" is used in the sense of "self", referring to the idea that it would be the community itself diagnosing its own sociolinguistic conditions. This accorded with the PPDE's repeated emphasis in its documents and media articles[351] on the participative, community-based nature of the activity.

Importantly, as well as being informed of the health of their languages, the Autodiagnostic process was intended to awaken awareness within the communities surveyed as to the necessity of being proactive in supporting whatever level of vitality was identified (Bodnar 2013). Scholars and practitioners in the field of language revitalisation have often commented on the tendency of minority communities to expect the school system to save their mother tongues, when in fact the crucial factor is whether children are raised speaking the language (Lopez 2008; Fishman 1991; UNESCO 2003; Nettle & Romaine 2000). As did indeed seem to occur in the Colombian example (Culture Ministry staff, pers. comm. 2010), the application of the Autodiagnostic was seen as a tool to raise consciousness among parents, grandparents and others of the importance of using the language as much as possible in community life in order to promote language survival, and particularly to speak it with children so that intergenerational language transmission can occur.

[349] The bilingual Spanish-Nasa Yuwe form used in that survey is included as Anexo B in González Garzón (2013).

[350] The three key objectives of the exercise (Mincultura Compendio 2009) were to: obtain and share reliable information about the location and size of population in accordance with the population structure by sex and age; establish the socio-cultural characteristics that encourage or hinder the practice of minority language use; and identify the current situation of use of each language and the value that the speakers and other group members attach to it.

[351] See the ministerial press releases and media coverage listed in Appendix C.

The Autodiagnostic was to be conducted in three campaigns over two years, dividing up Colombia's languages so that each campaign would have some strong and some weak languages, and also reflect an even geographical distribution (Mincultura Compendio 2009). One or more local coordinators were appointed for each ethnic group in the campaign, being persons who possessed knowledge of the language and culture and had also carried out leadership roles in their communities. A one-week seminar was held in May 2008 to train the local coordinators for the first campaign, with participation of experts from the Basque Vice-Ministry, CRIC and the University of Cauca, in addition to the PPDE team (Bodnar 2013; Culture Ministry staff, pers. comm. 2010)**.** At that seminar it was decided to apply the surveys both in Spanish and in the local languages, so there was then the often complicated task of translating the survey into each language.[352] This was portrayed in the PPDE publicity, and described by Culture Ministry staff (pers. comm. 2010 & 2011) and local coordinators (pers. comm. 2012), as demonstrating the participative nature of the Autodiagnostic, with the local coordinators, school teachers and other speakers of the particular native language making their own decisions as to what expressions to choose. Some of these translation exercises had outside linguists involved, but only to make recommendations, not to overrule the choices of the community (linguist, pers. comm. 2010).

The survey was undertaken with the heads of households.[353] Between five and twenty-five interviewers were selected by each community or people involved. Those interviewers had to be bilingual and literate, and were given training for an average of three days. Collection took between two and six weeks for each language. There were up to 53 questions in each questionnaire, including questions on the language practices of children (Mincultura Compendio 2009; González Garzón 2013).[354] The completed questionnaires were then analysed in Bogotá by demographer Yolanda Bodnar,[355] aided by a colleague and a team of

[352] The Spanish version of the survey form is included in González Garzón (2013) as Anexo C.

[353] If the people speaking a given language had fewer than 2300 members, the survey was applied to every household; if the number of members was greater, a representative sample was taken (Bodnar 2013).

[354] Both González Garzón (2013) and Bodnar (2013) attach a sample questionnaire.

[355] Bodnar worked with the Education Ministry from 1976 to 1991. She was involved in the issuing of the ministerial decree in 1978 that authorised the undertaking of ethnoeducation in indigenous schools and was subsequently coordinator of the Ethnoeducation Unit. Her academic publications from the period show her identification with the conceptual framework used to support ethnoeducation efforts, notably the *etnodesarrollo* (ethnodevelopment) concept advanced by Mexican anthropologist Guillermo Bonfil Batalla (Bodnar 1990).

students from Externado University (Bodnar 2013). The results were later returned to the communities by the PPDE coordinators and discussed with the inhabitants. A booklet was put together for each language surveyed with a presentation and discussion of the results (Culture Ministry staff, pers. comm. 2010).

DEVELOPMENT OF THE NATIVE LANGUAGES LAW

Persons involved with the PPDE from its early stages confirmed that the idea of a law was not contemplated when the program was established. It appears that the possibility was only floated in late 2008, once the Sociolinguistic Autodiagnostic work was well underway, and that Moreno became very enthusiastic about it. However, Moreno was also firm in her view that any proposed law would have to be submitted to Congress early in 2009 if it was to have any chance of being approved during that year's session (Culture Ministry staff, pers. comm. 2010 & 2011). She explained that it had little chance of getting through if submission was deferred, as the first half of 2010 would see both legislative and executive arms preoccupied with impending elections: for Congress in March 2010 and for the presidency in July 2010. The latter election would also mark the end of the Uribe presidential terms and hence of Moreno's own term as minister, and there was no guarantee that her successor would have the political will to push a languages law through an uninterested Congress.

The PPDE team therefore quickly organised the "First National Forum for Ethnolinguistic Legislation", held in Bogotá on 16 and 17 December 2008. That event was attended by delegates from the Basque Vice-Ministry of Language Policy[356] and Mexico´s INALI[357] (National Institute for Native Languages), indigenous rights law expert Roque Roldán Ortega,[358] the four national PPDE coordinators, the local coordinators who participated in the

Bodnar then went to DANE (National Department of Statistics) where she ascended to be director of the national census. She currently teaches demography at Externado University in Bogotá, from where she was seconded to work on the statistical aspects of the Sociolinguistic Autodiagnostic campaign in 2008 (Bodnar 2013).

[356] The Basque Vice-Ministry experts had also visited Colombia in July of 2008, for a congress organised by CRIC on native languages and education.

[357] *Instituto Nacional de Lenguas Indígenas*.

[358] Roque Roldán Ortega's career has been spent in fields related to indigenous rights. From the early 1960s, he was employed by the agrarian reform body INCORA in their activities to sustain, restore or create the title of indigenous communities to collective landholdings. That work extended to assisting in the establishment of the

first Sociolinguistic Autodiagnostic campaign, and representatives of various ethnic communities and organizations (*El Espectador*, 17 December 2008). The forum examined the Basque, Mexican and Venezuelan language laws, and then split up into workshops to come up with points for inclusion in a Colombian law. Landaburu and Roldán worked those points into a draft through January 2009 (pers. comm. 2010 & 2011).

The draft was then amended by Minister Moreno and her ministry's legal office. Most of those edits were minor in nature. However, one of the changes was removal of a draft article regarding the rights of native language speakers in urban settings (Culture Ministry staff, pers. comm. 2010). This amendment means that, in effect, the resulting law conforms with the dominant Colombian institutional approach of dealing with indigeneity as something tied to the self-governing ethnic territories.[359]

A "Second National Forum for Ethnolinguistic Legislation" was held in the first days of March 2009, with a more concentrated rollcall of around thirty ethnic participants. In addition to participation by ONIC, CRIC and seven other organisations, and by leaders from five minority communities, a Basque Vice-Ministerial delegate attended once again. The Culture Ministry's draft language law was discussed, and suggestions were made for amending it further (*La República* 13 March 2009).

Just over a week later, on 13 March 2009, Paula Moreno attended a session of the lower house of Congress to present the finalised draft as one of three legislative proposals initiated by her ministry (as opposed to being bills tabled by a member of Congress).[360] By this point another fortuitous opportunity had been seized. One of the representatives for the opposition

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governing councils or *cabildos*, and at a later stage with respect to the creation of the indigenous organisations that emerged from the mid-1970s onwards. Roldán later founded an indigenous rights observatory called CECOIN that undertook advocacy and prepared influential reports. He also consulted with numerous indigenous organisations, NGOs and aid agencies, and published a number of books on Colombian and Latin American indigenous rights law.

[359] This aspect is of significance for the character and reach of LRJ and will be addressed in Chapter 7.

[360] The second bill provided for establishing a national network of public libraries and was also approved that year. The third bill regulated public performances, but did not successfully navigate Congress until 2011, under the next Culture Minister.

party Alternative Democratic Pole[361] in the lower chamber, Pedro Obando, a former rector of the public University of Nariño, had completed a PhD in linguistics – and his object of study was the grammar of the language of the Awá people.[362] He was thus enthused (pers. comm. 2011) about the possibility of being the *ponente*, the member responsible for steering a bill through his or her chamber of Congress. The combination of having a bill proposed by the government, but shepherded through Congress by someone from the leftwing opposition, was seen as an ideal strategy for maximising chances of approval. With both far-left and far-right on side, it was unlikely that politicians in the middle would find a reason to object (Culture Ministry staff, pers. comm. 2011), and that did indeed turn out to be the case.

It is also possible that the draft law's passage was facilitated by coinciding with a period in which the Uribe government, despite continuing strong support from the Colombian electorate, was cast in an even worse light on the international stage as the media exposed a series of scandals in 2008 and 2009. Three of those scandals captured particular attention: *chuzadas* (illegal wire-tapping) by Colombia's intelligence agency of judges, journalists, politicians and others; "false positives", whereby soldiers had murdered non-combatants and presented them as guerrillas killed in fighting, enabling the soldiers to claim rewards; and *parapolitica*, the uncovering of links between paramilitary organisations and up to a third of Congress members.[363] The growing evidence regarding these and other abuses strengthened critics in the US Congress who urged suspension of military aid under Plan Colombia[364] and voiced opposition to a bilateral free trade agreement. Between early 2009 and early 2010 Colombia was strongly criticised in reports or statements by at least ten UN agencies[365] and numerous NGOs, both local and international.[366]

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[361] *Polo Democrático Alternativo*

[362] This thesis (Obando Ordóñez 1992) has been frequently cited in texts on South American linguistics, such as Adelaar and Muysken (2004), Liddicoat and Curnow (2007), and the online entries in Ethnologue (2014), Glottolog (2013) and Moseley (2010).

[363] See for example IACHR (2009), IACHR (2010), McDermott (2010), CCJ (2010), Hylton (2010); see also the chronology in Appendix B for more detail on the nature and timing of these scandals and on disclosure of other atrocities, abuses or allegations of impropriety in this period.

[364] The UK suspended its bilateral military aid in April 2009, citing concern for human rights (Guardian, 29 April 2009). The US had already suspended (November 2008) the funding eligibility of army units allegedly complicit in "false positives".

[365] UNESCO Director-General (for murders of journalists); UN Under-Secretary-General for Humanitarian Affairs; UN High Commissioner for Refugees; UN Special Rapporteur on extrajudicial, summary or arbitrary

On the domestic front, the Uribe government already had an overall poor relationship with the country's ethnic organisations. Factors behind this included governmental attempts to introduce new mining, forestry and agricultural codes without adequately consulting ethnic groups, the decision to abstain during the UN General Assembly vote on UNDRIP, and Uribe's own public characterisations of indigenous activists as guerrilla supporters. Pre-existing discontent with the disproportionate impact on the ethnic groups of Plan Colombia,[367] military actions and paramilitary atrocities was aggravated by three massacres of Awá communities in south-western Colombia between February and October 2009 (CCJ 2009). In January 2009 the Colombian Constitutional Court ordered the state to take action to ensure the physical and cultural survival of thirty-four indigenous peoples displaced or otherwise victimised by the conflict.[368] Against this backdrop, a proposal to enhance the cultural rights of the ethnic groups may well have struck some legislators as an opportunity to win favour with ethnic organisations and international critics.

Things had moved so quickly with the tabling of the draft law that there had not been time to consult adequately with several ministries named in the text as bearing responsibilities. Therefore, while the bill was being considered by the appropriate congressional committee, Landaburu, Moreno and the Culture Ministry's legal officers engaged in a series of meetings with the Education, Communication and Interior Ministries. However, only a small number of amendments were inserted into the bill as a result of those meetings (Culture Ministry staff, pers. comm. 2011).

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executions; UN Rapporteur for Indigenous Peoples; UN Secretary-General; UN Special Rapporteur on the situation of human rights defenders; UN Special Rapporteur on the independence of judges and lawyers; UN Committee Against Torture; and the UN Office of the High Commissioner for Human Rights. Many of these human rights concerns were also reiterated at the Inter-American level (IACHR 2009).

[366] Including International Committee of the Red Cross, Human Rights Watch, Amnesty International, Human Rights First, Norwegian Refugee Council, Reporters Without Borders, Survival International, Washington Office on Latin America, International Coalition against Enforced Disappearances, and International Crisis Group. The US State Department was no exception: its annual country report on Colombia lists a litany of human rights abuses and violent occurrences.

[367] Notably aerial fumigations – as well as eliminating the coca cultivations on which some indigenous communities depended for survival, they were alleged to have wreaked further damage on other crops, human health and surrounding environments (IACHR 2010; Dion and Russler 2008; Hylton 2010; Landel 2010).

[368] http://www.corteconstitucional.gov.co/relatoria/autos/2009/a004-09.htm

Meanwhile, only a few very trivial changes were made by members of Congress, and nobody voted against it (Culture Ministry staff, pers. comm. 2011). It sailed through the lower house more quickly than expected, and in the Senate was once again assigned to a *ponente* from the Alternative Democratic Pole. By this point Moreno, the PPDE team, Obando and the senatorial *ponente* had spent time urging ethnic leaders to show their support for the proposed legislation, for example by calling or writing to parliamentarians. By the time the bill was given its approval by the Senate, members of Congress were treated to the sight of indigenous Colombians, Raizales, Palenqueros and gypsies holding up signs written in their mother tongues at the entrance to the building and eventually in the Senate chamber. When the bill was approved there were tears and cheers in what various observers have described as an unusually moving day in the nation's legislature (Culture Ministry staff, pers. comm. 2010 and 2011; see also the relevant media items in Appendix C).

However, various participants in the process assured me that the bill's approval was never such a certainty as the above account would suggest. In Colombian parliamentary practice, it is very common for a bill to be literally put down to the bottom of the list in the commissions and suffer other delays so that it does not get through both houses within the sitting year, which means that it is automatically knocked out of Congress and has to be presented anew the following year (Culture Ministry staff, pers. comm. 2010 and 2011). To ensure that no such misfortune befell her ministry's legislative proposal, Moreno engaged in impressive lobbying efforts. She met with every single member of both houses of Congress,[369] which I was told is in no way usual (Culture Ministry staff, pers. comm. 2011),[370] and left observers impressed with her drive to push the proposed law through Congress.[371]

[369] Note that at this time a sizeable number of members of Congress were in prison or otherwise suspended for the "para-politics" scandal of links with paramilitary groups or for general corruption – and therefore not available to vote on bills anyway.

[370] When Moreno and her staff arrived at one session of the commission considering the bill, they found that the sitting had been cancelled for lack of quorum, which threatened to push out the process by precious weeks or even months. Moreno therefore picked up the phone and urged all the absent committee members to attend until quorum was reached (Culture Ministry staff, pers. comm. 2011).

[371] Paula Moreno also used the regular Council of Ministers meeting to push the case for the law to her cabinet colleagues, on the basis that this advocacy could have flow-on effects for the legislators, particularly if it was clear that Uribe himself was in favour of the bill (Culture Ministry staff, pers. comm. 2011).

Of course, it can be argued that Moreno's determination to get the languages law passed was not purely altruistic. Each instance of approval of legislation represents a major achievement for the ministry that proposed it, and this would seem to be even more desirable for someone who did in effect have something to prove, and had only had three years to do so. The report that Moreno published at the end of her tenure (Mincultura 2010) was able to boast of a triple legislative accomplishment, as the Native Languages Law was joined by two other ministry-generated statutes: one on heritage, the other establishing a national public library system. In addition to the PPDE, the Culture Ministry also developed new national plans for audiovisual production and dance. The ministry also attracted attention during those years for its efforts in relation to various concerts and congresses, and for laying the groundwork for the celebrations in 2011 of Colombia's Bicentenary of Independence and in 2012 of the International Year for People of African Descent.

To an extent, there was also a further tactical move taken in an effort to facilitate the bill's journey through Congress. That was to ensure that the draft law was sufficiently innocuous from the view of parliamentarians who were not interested in protecting linguistic diversity or attending to the cultural claims of minority groups (Culture Ministry staff, pers. comm. 2011). This may explain why it had no detail on how its provisions were to be funded, nor did it elaborate on the content of the obligations imposed on the various public and private entities and the timeline for complying with them. The decision to eliminate the clause in the first draft that referred to urban indigenous communities would also seem to reflect such caution. Indeed, perhaps the more cynical Congress members were able to see it as fitting the cliché that Colombian laws are good on paper but rarely enforced. Nonetheless, it seems that the creators and promoters of the Native Languages Law expected that it would be implemented, and that there would be a favourably disposed Culture Ministry and a newly established National Advisory Council on Native Languages to ensure that result.

A problem with prior consultation

However, the haste with which the bill was drafted and submitted to Congress was almost its undoing. According to the Constitutional Court's evolving interpretation of constitutional and international law principles over the last two decades, any legislative measure that effects an ethnic group must be adequately consulted with that group or groups before the bill is tabled in Congress. The most recent judgments had clarified that this embraces all legislative

initiatives, and not just development projects, as some earlier interpretations had suggested (Interior Ministry staff, pers. comm. 2011). The fact that the draft had been prepared with what several experienced observers told me was an unprecedented level of participation by minority members was not sufficient when measured against the technical requirements recently judicially determined to be applicable in Colombia. As news of the bill's 13 March 2009 congressional debut spread, a number of indigenous leaders from ONIC and other organisations began to complain to the Culture Ministry and to Congress members that, regardless of the merit of the provisions, there had been a failure to comply with mechanisms of prior consultation (Culture Ministry staff, pers. comm. 2011; Indigenous organisation officeholders, pers. comm. 2011). Those leaders emphasised that the indigenous movement in recent years had struggled to ensure that due process was respected by the state.[372]

After a stressful few weeks, a compromise solution was reached. The organisations agreed that the PPDE would be allowed to conduct meetings around the country in which the native language communities would be informed of the draft law's content and invited to give feedback, and that they would drop their opposition to the bill. The Culture Ministry agreed to pay the costs of holding five macro-regional meetings of ONIC around Colombia[373], and also to provide funding for an indigenous project in Cali (Culture Ministry staff, pers. comm. 2011). In addition to the ONIC meeting, the PPDE members had to fit in twenty-nine lengthy meetings with ethnic groups all around the country over a four-month period.[374] Landaburu

[372] As attested by the Constitutional Court decisions on prior consultation and prior and informed consent listed in the chronology at Appendix B, including those dealing with the Uribe government's introduction of controversial mining, forestry and agricultural codes without proper consultation with ethnic groups.

[373] These meetings, which entailed significant costs for transport and other logistics, were events at which the proposed languages legislation was just one agenda item. Speakers at the ONIC meetings also felt free to speak harshly to the Culture Ministry representatives for their failure to consult and also for aspects of the draft law. The strongest words were actually delivered to one of the indigenous PPDE national coordinators – albeit at a meeting held in Awá territory only a month after two massacres of dozens of Awá civilians (CCJ 2010), so tempers were running high (ONIC 2009b; Culture Ministry staff, pers. comm. 2011). It is possible that anger about those atrocities, against the backdrop of extreme dissatisfaction with the Uribe government more generally, hardened the resolve of those indigenous leaders protesting about the procedural deficiencies associated with the languages bill.

[374] I obtained copies of the documentation relating to these meetings (including summaries of discussions and signed lists of partcipants) from the Interior Ministry; this would appear to be the bundle that Minister Moreno showed to President Uribe in January 2010 (see below).

also spoke at a session of the Permanent Roundtable for *Concertación* with Indigenous Peoples and Organisations in Bogotá (indigenous organisation officeholder, pers. comm. 2011), and another national coordinator (pers. comm. 2010) did the same at the special roundtable that meets for greater Amazonia. All of this pressure coincided with the lobbying activities for the bill and the meetings with the other ministries to agree on amendments, as well as with efforts to finish up analysis of results from the first campaign of the Sociolinguistic Autodiagnostic and to prepare for the second campaign.

However, the problem did not disappear with that agreement. After approval of the law in the Congress in December 2009, it went to the Office of the Presidency to await signature by President Uribe. On 19 January 2010, the director of the Division of Indigenous, Minority and Roma Affairs wrote a letter to the Presidency advising that, despite the need for a law like the Native Languages Law, it had not complied with the vital requirements of prior consultation in advance of presentation to Congress. Two days later, the coordinator of the Prior Consultation Group[375] wrote a letter to the Presidency to a similar effect.[376] Both letters took Landaburu, Moreno and other Culture Ministry personnel by surprise (Culture Ministry staff, pers. comm. 2011). Moreno had to speak to the Interior and Justice Minister and then go see Uribe in person to show him the file of responses to the 34 meetings conducted with the ethnic organisations and communities from March to July 2009 (Culture Ministry staff, pers. comm. 2011). Having seen that evidence of strong community support for the law, Uribe went ahead and signed it on 25 January 2010.[377]

PUBLICITY AND PUBLIC PROFILE

[375] Both the Division of Indigenous, Minority and Roma Affairs and the Prior Consultation Group were units within the Interior side of the then Interior and Justice Ministry. When that ministry was split in 2011, the latter unit was renamed Prior Consultation Division rather than Group.

[376] Both letters were amongst the documents I obtained from the Interior Ministry.

[377] It is possible that, despite the willingness of the indigenous organisations to compromise on the consultation issue in the case, the LLN remains technically invalid for breach of procedure, and so could be struck down by the Constitutional Court. In 2012 one former Interior Ministry staffer with relevant expertise shared with me their opinion that the LLN is indeed vulnerable to this fate. In its favour is the low likelihood that any ethnic minority organisation would oppose a legislative measure that is – in contrast to so many other enactments, particularly those that Uribe tried to push through – of undoubtedly beneficial import for ethnic groups.

Moreno ensured that the Culture Ministry's media office undertook strong efforts to publicise the work of the PPDE. Throughout 2008 and 2009 the Culture Ministry put out numerous press releases and updates to the ministerial website in relation to the PPDE and the progress on the law, as shown in Appendix C. The official launch of the program in 2008 received particular attention from the main newspapers, and they also picked up a majority of the press releases, as did minor media outlets (print, online and at least some radio), blogs of human rights supporters and the websites of indigenous organisations. One noteworthy feature was the running of a series of interviews with Jon Landaburu in the most prominent newspapers, of which *El Espectador* also ran a number of articles regarding the loss of linguistic diversity in Colombia. The weekly news magazines *Cambio*[378] and *Semana* also gave considerable coverage, often accompanied by photographic spreads of indigenous, Roma or Afro-Colombian persons in native dress or engaging in (what some might call stereotypical) traditional activities. There were also a few short television interviews with Landaburu in which he talked about Colombian and worldwide linguistic diversity and the threats to it. Several articles interviewed or gave the life stories of the national or local coordinators[379] – attention rarely accorded to indigenous individuals who are not political leaders or activists.

As perusal of Appendix C shows, the media coverage subsided significantly in 2010. After news items regarding the presidential signing of the law in January 2010, the next set of press releases mentioning the PPDE related to several events in the concluding weeks of Moreno's time as Culture Minister, notably the launch in August 2010 of a collection of indigenous literature and a publication of the Sociolinguistic Autodiagnostic results to date.[380] The only subsequent references to the languages work of the Culture Ministry were contained in several radio interviews with the director heading the division to which the PPDE was transferred in early 2010 (as explained in the next section) in which he was asked specifically about those efforts, and then a mini-avalanche of press releases (all of which were picked up by both minor and major print and online media in the daily news coverage) about the April 2011 "Festival of Languages" (see below) that included a number of quotes from the divisional director and from the minority writers participating.

[378] *Cambio* ceased publication in early 2010.

[379] For example, *Cambio* 16 July 2008 regarding Rosalba Jiménez.

[380] The book of Sociolinguistic Autodiagnostic results never became publicly available. A different version of them was released in October 2013.

There was only one negative media item: in April 2009, shortly after the draft languages law was introduced into Congress, an opinion piece was published in the respected *Semana* magazine claiming that the new bill exemplified the tendency in Colombia to make laws that did not connect to realities. The author wrote that although a worthy cause, the legislation was not capable of being implemented by the funds of the Culture Ministry – for example, claiming that it would require training of interpreters and translators for all 68 minority languages, to be available in all the nation's cities as well as in the ethnic territories. The piece noted the costs that would be required to run the National Advisory Council for Native Languages, and expressed the opinion the Education Ministry would be a more appropriate location for such functions. The author considered that the law would be somewhat superfluous given the existence of language-related articles in the Constitution and of numerous statutes and regulations on ethnoeducation. The article also advanced the opinion the other entities mentioned in the bill, such as the Communications Ministry and the National Department of Statistics, would also lack the funds to do fulfil their obligations. In the transcript of the first discussion on the draft law in the lower chamber of Congress, one of the representatives refers to this article, and his colleagues agree that it shows the need to ensure there is adequate financing for the obligations that would be imposed by the law's provisions – although none of them suggested amending the text to include a guarantee of funding.

Consideration of the media coverage suggested one reason why a politician or senior bureaucrat would not see much point in diverting scarce resources into a languages program such as the PPDE: it may not be capable of generating sufficient stories with mass appeal, particularly in the news-saturated, short-attention-span internet age. The early interviews with Landaburu (*Semana* 9 February 2008, *Cambio* 16 July 2008) would have caught the eye of many. He recounted the tale of humanity's impressive linguistic diversity, the mass extinctions of languages in recent distinctions, the comparison with threats to biodiversity and the mass disappearance of plant and animal species, the unexpected genetic diversity among Colombian languages, the possibility that isolated tribal languages guard ethnobotanical knowledge that could cure diseases, and the speed of shifts from native languages to Spanish in many parts of Colombia. Stories that focused on the communities may also have been of interest, showing as they did a side of indigenous life that had rarely been presented. Probably the winning media moment was the final approval of the Native Languages Law in Congress, with images of minority individuals holding up signs in their

mother tongues – as experienced observers explained, there had never been such an occurrence in Colombian parliamentary history.

However, there may not have been many more opportunities for the Culture Ministry to extract favourable coverage from this exercise. Apart from the striking stories about the moment of the legislative triumph, the press releases of late 2009 and early 2010 – with headlines such as "More than 80% of the Sikuani community speak their native language well" (Mincultura 15 February 2010), "What is the state of the Maach Meu language, of the Wounan indigenous people?" (Mincultura 23 November 2009) and "The majority of the Ette Ennaka don't speak their language" (Mincultura 17 November 2009) – were unlikely to have captured attention beyond those of us who have a strong interest in such matters. The limited potential for minority language work to catch and retain mainstream media attention (which would be the case in most countries, not just Colombia) may explain why Moreno's successor has been willing to let the PPDE and the Native Languages Law rest on their laurels as past accomplishments rather than ongoing undertakings.

IMPLEMENTATION IMPEDIMENTS AND BUREAUCRATIC BLOCKAGES

My early analysis of the Native Languages Law suggested that it was standing on not one but two Achilles' heels resulting from the circumstances of its speedy parliamentary transit. The first was the technical problem regarding prior consultation, discussed above. The other ensued from the bill's lack of detail on key obligations and especially regarding financing. Although, as previously suggested, this probably made the draft law more palatable to legislators, this meant that proper implementation of the legislation would be dependent upon the PPDE staying under the control of officials who possessed the commitment and the capacity to devise regulations addressing those matters[381] in a way that would continue the trajectory embarked upon by Landaburu. The first of these foundational weaknesses did not prove fatal, but with respect to the second Achilles' heel, there were soon signs that the worst-case scenario may have come to pass.

[381] Or, at the very least, draft regulations to establish and fund a National Advisory Council on Native Languages that would act in that way.

When I was finishing up my first round of field research in July 2010, people involved with the PPDE's activities spoke of their achievements on the program without letting me know of some very real problems they were experiencing. When I returned in February 2011, I was surprised to find that none of the original team members were still working on the program, the second campaign of the Sociolinguistic Autodiagnostic was left unfinished, and there was no indication of when anything else would be done.

The Native Languages Law was signed barely six months before the end of the Uribe presidency and of Paula Moreno's term as Culture Minister: 6 August 2010 was to be her last day in office. As noted above, there were no regulations issued before then, nor were there other new steps taken to advance in implementation. It appears that a main ministerial concern regarding the PPDE in the final months of Moreno's tenure was to ensure publication of the books of results from the first campaign of the Sociolinguistic Autodiagnostic.[382] The minister was also busy preparing handover material and a publication that emphasised the achievements of her time in the post (Mincultura 2010). Another distracting factor for Moreno and the ministry generally was the need to devote energies to commemorating 2010 as the Bicentenary of Colombian Independence and preparing for the 2011 International Year for People of African Descent, with the Culture Ministry bearing primary responsibility for both. I believe that there are no grounds for inferring that, having accomplished linguistic legislation, and with little likelihood of any more attention-grabbing media moments emerging, Moreno simply calculated that the PPDE was no longer a necessary investment of her time. Rather, it seems reasonable to conclude that there was a multiplicity of matters competing for her attention.[383]

It was during those months of reduced engagement by Moreno that a significant decision was taken. Up until then the PPDE had been attached directly to the minister's office, and not to one of the six divisions. One ministerial source explained to me that it was not possible to create an ad hoc division without issuing a new regulatory decree on ministerial structure (pers. comm. 2011). Another senior observer commented that the PPDE was simply too small

[382] As it happened the launch came a few weeks after Moreno left office, but she was still the main figure at that event, and was quoted in the Culture Ministry's press release along with the divisional director.

[383] I can attest to Moreno's crowded agenda during her concluding months: after finally managing to secure a time to interview her, I found our appointment cancelled with an hour's notice when she was called to a meeting in the presidential palace.

to be a full division (pers. comm. 2011). Moreover, Landaburu had just turned 65, so under Colombian law he could not be appointed to a director's position (Culture Ministry staff, pers. comm. 2011). The PPDE could have been attached to the Heritage Division, but the indigenous organisations had long criticised the Culture Ministry for its *patrimonialización* (heritagisation[384]) of minority cultures, and such a move could have been perceived as dismissing languages as mere heritage items (Culture Ministry staff, pers. comm. 2011).

Thus, the PPDE was transferred in March 2010 to the Populations Division, under the authority of a divisional director who had been appointed a year beforehand.[385] This was the first time this director had control over the work of the PPDE, although in mid-2009 funds earmarked for that division were redirected to paying the costs of PPDE's nationwide consultations with the communities (Culture Ministry staff, pers. comm. 2011). The relocation was not successful from the perspective of the PPDE team, as they experienced various difficulties: cancellations of long-planned trips to communities to conduct the Sociolinguistic Autodiagnostic, interventions in their mode of work, delays in renewal of their contracts, and conflicts with the director. Within a few months of the transfer, three PPDE staff resigned their positions, including Landaburu and one of the four PPDE national coordinators.[386] In November 2010 a second coordinator resigned, and a third coordinator died unexpectedly.[387] The few remaining PPDE staff were allocated other tasks at the start of 2011, and work on the Sociolinguistic Autodiagnostic ceased (Culture Ministry staff, pers. comm. 2011) – or at least not in the way that it had been carefully designed in 2008 (see below regarding its subsequent incarnation). Thus, less than a year after the Native Languages Law was added to the Colombian statute books, the program from which it grew,

[384] Sánchez-Carretero (2013, 388-389) traces how "heritagisation" was first used as an English equivalent for Spanish *patrimonialización* (and its cognates in French and other Romance languages) in 1992, although not appearing frequently until around 2009. Although the term may refer neutrally to the process of establishing heritage cases, it can have a pejorative sense when referring to the commodification or "museumification" of intangible culture, as in the Colombian criticisms. The Culture Ministry has also been criticised for "folklorisation", as will be seen again in Chapter 7.

[385] Amongst other roles, the director of this division, or a representative, is expected to participate in the Permanent Roundtable for *Concertación* with Indigenous Peoples and Organisations, as well as with the counterpart forum for Afro-Colombians.

[386] The PPDE team's administration officer followed suit soon after.

[387] As various published obituaries (included in Appendix C) made clear, her death also represented a great loss to the Palenquero community and to scholarship on their language.

and that was in turn purportedly reinforced by the legislative provisions, had, from the perspective of at least one of the persons involved, "collapsed" (pers. comm. 2011).

There was a corresponding collapse of the public visibility given to the output of the PPDE's efforts. The set of six books presenting the Autodiagnostic first campaign results were titled "*Múltiples maneras de pensar, diversas formas de hablar. Una mirada a la situación de vitalidad de 15 lenguas nativas de Colombia*" ("Multiple ways of thinking, diverse forms of speaking. A look at the situation of vitality of 15 native languages of Colombia"). Their August 2010 launch – Minister Moreno's swansong – was heralded by Culture Ministry publicity saying that the tomes were intended to become "a reference collection for teachers, professors and researchers, as well as for decision makers in all areas of public administration who feel committed to the revitalization of native languages" and would be made available in departmental and municipal government offices, educational institutions, universities and for the general public.[388] However, the promised distribution of the physical books had still not occurred by the time my Colombian field research finished in mid-2012, the book collection could not be purchased online, and an e-book or other online version never appeared. The first campaign's results were uploaded to the Culture Ministry website in late 2013, but in a different and much briefer format; the books were not to be seen. Yet, in stark contrast, the eight-book collection "*Biblioteca básica de los pueblos indígenas de Colombia*" ("Basic library of the indigenous peoples of Colombia") that was also launched in August 2010, and similarly trumpeted as an achievement of Paula Moreno's period in charge of the Culture Ministry, could easily be found in bookshops and libraries. It is hard to think of a reasonable justification for the differential treatment accorded to these two published outputs, given that both represented major investments of financial and human resources by the Culture Ministry, and both were highlighted as reflecting the significance of the cultures of Colombia's indigenous peoples and ethnic groups.

From February to December 2010 the Culture Ministry engaged an external consultant with significant experience in policy development and implementation to advance the preparation of regulations for the Native Languages Law, consult with other entities affected by that law, and investigate the implementation of other provisions. According to ministerial

[388] See https://www.mincultura.gov.co/areas/poblaciones/noticias/Paginas/2010-08-03_38816.aspx

documentation, the consultant held meetings[389] with the Education Ministry, the National Department of Statistics, Colciencias (the research funding agency), Ministry of the Interior and of Justice, Ministry of Health and Social Protection, the Deaf community, several universities, the local Muisca community, and ONIC, in addition to meetings within the Culture Ministry with its Communications Division, Heritage Division and Legal Office.[390] The consultant prepared twenty-eight documents outlining ways forward for the legislative provisions and other aspects of the PPDE, including precise notes as to what the other ministries or other entities had agreed to do, and elaborated a proposal for the regulations to establish the National Advisory Council on Native Languages. However, I could find no evidence that the division acted on any of those recommendations during 2010 or thereafter.

One of the documents prepared by the consultant was a detailed proposal to incorporate specified actions under the Native Languages Law into the PND[391] (National Development Plan) for 2010-2014. The decision of the bureaucrats responsible not to follow up that proposal means that the PND 2010-2014 has only three mentions of the law, two of them very brief and without committing to any actions. In the section on the agenda for work by state organs with the Roma, the PND 2010-2014 simply says that the Culture Ministry "will implement Law 1381 of 2010". In relation to indigenous peoples, the plan states, without further detail, that the "Culture Ministry, with the purpose of guaranteeing the implementation of what is ordered by Law 1381 of 2010, in cooperation with the entities involved in the law and others, will guarantee compliance and will advance in strategies for the strengthening and revitalization of the native languages as a fundamental component of the identity of the peoples." Only in relation to the islands of San Andrés and Providencia is the wording stronger, and noticeably so: the Culture Ministry is obliged to work for the defence, protection and strengthening of the Raizal language, "bearing in mind the immense cultural and spiritual value it has for those communities... Trilingualism will also be strengthened, for which the Education Ministry will re-take and strengthen the accord signed with the High Level Afro-Colombian Consultative Commission and the Education Secretary of the Archipelago, which has the objective of promoting the teaching of the three languages (Creole, English and Spanish) in the education system." With respect to mainland Colombia,

[389] Initially accompanied by Landaburu, but after his departure either alone or with the divisional director.

[390] The consultant's report states that the Caro and Cuervo Institute did not respond to an invitation to meet.

[391] *Plan Nacional de Desarrollo*.

this negligible presence of the Native Languages Law in PND 2010-2014 can only be seen as a missed opportunity to embed arrangements for its implementation.

Critical comments and competing bureaucratic priorities

One Culture Ministry official (pers. comm. 2011) who stated that the Native Languages Law was good legislation, made with appropriate input from and consultation with the ethnic groups, did however proffer critical perspectives on the work of the PPDE. This individual (who was not involved in the creation of the the PPDE, nor in the drafting of the law) asserted that the Sociolinguistic Autodiagnostic was badly formulated and needed to take greater account of the effect of the armed conflict; further, that it was conducted without first identifying and consulting important stakeholders in the zones concerned, such as departmental secretaries of health, education and culture, mayors, governors, other municipal and departmental officials, indigenous authorities and ethnoeducators. The last-named certainly were consulted – in fact, ethnoeducators were the most prominent local collaborators in the Autodiagnostic, with roles in translating the questionnaires and applying them. In any resguardo surveyed, indigenous community authorities cannot have been unaware, as outsiders generally require their permission to enter. For an indigenous people numbering fewer than 2300, the survey was applied to every household (Bodnar 2013), so in such cases the local leaders were direct participants themselves. The nature of the exercise also means it cannot have bypassed all department officials, although this particular critic (despite overlooking the agency of indigenous communities to communicate with departmental governmental actors) may be correct with respect to some of the broad category listed, and perhaps particularly in cases where the communities were geographically isolated from the departmental administrative centre. However, having seen glimpses of the way politics and policy operate in Colombia, I wonder what concrete results could have been achieved if all the political and bureaucratic layers had also had to be dealt with. Effective and timely application of the Autodiagnostic was facilitated by the top tier going directly to the grassroots; as an outsider I cannot readily ascertain whether bypassing some intermediate actors is acceptable for a program that aspires to have continuity, longevity and support. Nonetheless, if there did need to be a fuller incorporation of the broadest array of stakeholders in the Autodiagnostic's application, it could have been possible to make those adjustments in subsequent iterations – which could also have been done if there really did need to be greater consideration of the armed conflict in the survey process.

Other critiques volunteered by this official included the judgment that: a "state of the art" should have been completed before commencing an Autodiagnostic; the leaders of the organisations needed to be fully informed because they are the decision makers and the interlocutors with the government; the PPDE should have worked with the universities; that it was necessary to "stop and think" before going on with the program; and the exercise needed to be rethought so that it involved entities such as the Education Ministry and the National Department of Statistics (pers. comm. 2011). Once again, it is difficult to see why these alleged deficiencies could not have been subject to analysis and debate, and if they were confirmed to be genuine defects, remedied before the next round of the Autodiagnostic.

It was also asserted (pers. comm. 2011) that the PPDE did not adequately incorporate the "nine UNESCO principles" guiding language revitalisation efforts. This claim, actually referring to the "nine language vitality factors" listed in UNESCO (2003), does not withstand scrutiny. Analysis of the 53 questions in the survey forms used in the Sociolinguistic Autodiagnostic[392] shows they were eliciting information on language attitudes and patterns of language use within the household and in various community domains, and the information thus acquired directly addresses most components of the nine factors. The remaining factors relate to aspects such as the availability of materials for education and literacy, the quality and quantity of linguistics documentation, and the policies of institutions – all of which can be readily evaluated by an expert team and built into the overall assessment for the language community being assessed. There is no misalignment. Of course, members of the government and bureaucracy who heard this claim may have accepted it at face value, rather than interrogating its foundations.

Subsequent actions and inactions

An August 2010 press release stated that the Culture Ministry had just signed agreements with two named universities (*Cambio* 2010). However, in October 2011 sources at both universities told me that although they had signed agreements in mid-2010 with the Culture Ministry regarding the training of ethnoeducators (in meetings arranged by the external consultant mentioned above), nothing had been done by the ministry since then, and both had

[392] Annexed, as noted previously, to González Garzón (2013) and Bodnar (2013).

started to talk to the Education Ministry. I did not subsequently encounter evidence of Culture Ministry agreements with these or any other universities to train interpreters, ethnoeducators or researchers along the lines envisaged by the Native Languages Law.

After August 2010, with the new minister in place, there were fewer Culture Ministry press releases that mentioned the PPDE or Native Languages Law, as shown in Appendix C. The term "PPDE" ceased to be used at all,[393] and any language-related actions were given the "branding" of the Populations Division. Tellingly, when President Santos delivered a speech on December 2010 summarising the Culture Ministry's work during that year, he talked about the great value of the Spanish language but made no mention of anything regarding native languages. Yet, just a few months before, in August 2010, the outgoing reports and speeches of Culture Minister Moreno were highlighting the passage of the Native Languages Law as one of the year's great achievements.

In April of each year since then, the Culture Ministry has issued a series of press releases (and also videos on the ministerial website and Facebook page) about the Festival of Languages it holds as part of the Bogota International Book Fair. That event has been presented as the Division's main activity to support languages,[394] and does constitute implementation of one of the Law's articles. However, little else was underway, with the notable exception of work to develop a safeguarding plan for the Palenquero language, which dovetailed with 2011 being the International Year for Persons of African Descent. After a number of community workshops, the safeguarding plan for Palenquero was finalised in July 2012. Both the process and the document could serve as templates for work with other languages,[395] although it is still unclear if efforts are indeed being undertaken in that regard.

By mid-2011 office holders in various indigenous organisations and state entities were urging Culture Ministry bureaucrats to reactivate the program and comply with the steps that the Native Languages Law required to be undertaken before February 2012 (various, pers.

[393] A 2010 working document on the Culture Ministry website downgrades the PPDE from "Program" to "Project", describing it as merely one of a number of activities relating to minority culture.

[394] Chapter 7 will consider the prioritisation of that festival in terms of its appropriateness and efficacy as a tool of linguistic reparative justice, versus its capacity to give visibility to the Culture Ministry's Populations Division at the preeminent event for the Colombian cultural sector.

[395] As suggested by a Culture Ministry staff member working on language issues in 2011.

comm. 2011).[396] Queries were even being raised from abroad: the new Basque Vice-Minister for Language Policy (following a change of the Basque Country regional government) travelled from Spain to Colombia in July and again in October 2011 to follow up the Culture Ministry's lack of progress in implementing the PPDE and Native Languages Law. She ended up agreeing a cooperation protocol with the Education Ministry, which had signalled its willingness to implement the education-related portion of the new legal obligations (DNP 2012).

The Education Ministry was also proactive in funding an October 2011 symposium on native language education held in Bogotá, where many participants expressed concern about the Culture Ministry's inaction. The Culture Ministry director responsible for native languages work attended to make a speech on the division's activities, but did not outline any plans with respect to the PPDE or Native Languages Law or stay for questions. I was present in a workshop at that seminar in which a Culture Ministry staff member explained that they were working on concluding the Sociolinguistic Autodiagnostic. Under interrogation by a Basque representative, the staffer admitted that the methodology being used with the remaining communities was different from that applied by the PPDE under its original 2008-2010 approach, and was not compliant with standards of statistical validity. In abandoning the methodological approaches carefully developed by the PPDE in 2008, the Culture Ministry was also jettisoning the PPDE's objectives to be scientifically rigorous in evaluating sociolinguistic linguistic circumstances and to devise appropriate responses – as explained by Bodnar (2013) and González Garzón (2013). While goals of community participation and awareness-raising would still be satisfied, there would be a loss of comparability between data from the first two campaigns and the simplified third campaign.[397] It can be safely assumed that the revised approach, which essentially amounts to asking community authorities or organisations for their view on the condition of their traditional language without attempting any systematic evaluation, would be much less financially costly than the carefully planned survey processes of the original Autodiagnostic.

2013 – better late than never? The Advisory Council is convened

[396] For example, the Presidential Programme for the Integral Development of Indigenous Peoples directed a letter to the Culture Minister in July 2011 about the delays in implementation.

[397] Meanwhile, at this period and up until at least early 2013, the demography team at Externado University continued analysing data from the prior campaigns of Autodiagnostic surveys (Bodnar 2013).

The Native Languages Law specifically required that regulations to establish the Advisory Council should be in effect within two years of the law's signing – that is, by 25 January 2012. In fact, it implicitly entailed a much earlier commencement, as the Advisory Council was expected to advise the Culture Ministry on the preparation of the Ten Year Plan, which was itself required to be produced by that same deadline.[398] A proposal for the regulations was drafted in mid to late 2010 (Culture Ministry staffer, pers. comm. 2011), and in December 2010 the Culture Ministry held a meeting with indigenous organisations on the topic of the regulations (indigenous organisation officeholders, pers. comm. 2011), but the legislative deadline was not met. The regulatory decree[399] was only promulgated in May 2012.[400] The tardiness in issuing regulations for the Native Languages Law contrasts starkly with what happened in the case of other Culture Ministry legislation. For instance, after the law to establish the national public library system was signed on 15 January 2010, the resolution to regulate its technical committee followed on 9 March 2010, and a further resolution was issued on 22 June 2010.[401] The law to govern public performances was signed on 26 December 2011, with its regulatory decree being emitted on 14 June 2012.[402] There was no explanation as to why it should take over two and half years to fully regulate the Native Languages Law when two other cultural statutes were regulated in less than six months.

It appears that the first meeting of the Council was in April 2013 (Mincultura 2013). Ten of its eighteen members represent the ethnic groups: two Palenqueros, two Raizales, two Roma,

[398] These deadlines were respectively provided for in Transitory Articles 1 and 2 of the LLN.

[399] *Decreto 1003 de 2012*. Curiously, Art. 4 of the decree restricts Advisory Council membership to persons born in Colombia, so it would be impossible for a foreign-born expert like Jon Landaburu to be a Councillor, even if she or he has taken out citizenship. I examined regulations that established comparable councils or technical committees for the other cultural laws mentioned below, and for several other contemporary pieces of legislation, and could not find another Colombian regulaton that excludes a citizen from a role on the basis of their foreign birth.

[400] A ministerial resolution of October 2012 established the mode for selecting the Councillors who would represent the universities: one from the National University of Colombia, one for universities with research programs in native languages, and one for universities with ethnoeducator training programs.

[401] The law is *Ley 1379 de 2010*, the resolutions are *Resolución del Comité Técnico de Bibliotecas Públicas* and *Resolución 1250 Red de Bibliotecas Públicas*.

[402] Respectively *Ley 1493 de 2011* (*Ley de Espectáculos Públicos*) and *Decreto 1258 de 2012*.

and four indigenous persons[403] to represent the full array of Colombian indigenous peoples. combination of decades of Colombian indigenous leadership with decades of academic work in ethnolinguistics and indigenous educationAmongst the institutional representatives, two have particularly long experiences in Amerindian linguistics research. As of early 2014, there did not appear to have been any Culture Ministry press releases or publications regarding decisions or activities of the Advisory Council, nor in relation to ministerial commitments with respect to funding its recommendations.

October 2013 also saw the long-awaited but only partial release of the results of the Sociolinguistic Autodiagnostic, in the form of a document uploaded to the Culture Ministry website for thirty-six languages. This was followed by the uploading to the Populations Division news page of a report (Mincultura 22 October 2013) on the implementation of the Native Languages Law – the first time that the Ministry had presented an account of its progress in this regard. The document lacks precision regarding accomplishments, and chiefly refers to efforts that were in fact undertaken by the PPDE or other arms of the Culture Ministry while Moreno was minister (that is, up to August 2010). The new activities cited are the planned development in conjunction with the Communication and Information Technologies Ministry of a native language application for smartphones; annual gatherings of Palenqueros and Raizales to compare language safeguarding strategies; the compiling of a directory of translators and interpreters of forty-nine native languages; and the development of a "sound map" for the ministerial website. The report does not mention one September 2012 achievement, which was the Culture Ministry's arrangement of the translation of Constitutional Court sentence Auto 073/2012 into two indigenous languages.[404] Another recent press release (Mincultura 15 July 2013) concerns the participation of representatives of five native language communities in the Smithsonian Folklife Festival in Washington DC; the Culture Ministry director responsible for the activity is cited as highlighting the event as an example of Colombian language policy in action.

[403] One of the four has decades of experience in indigenous political leadership and also in academic work in ethnolinguistics and indigenous education, while another coordinates culture and education for an important Amazonian indigenous organisation.

[404] This is a case involving two extremely marginalised groups suffering acute victimisation from actors in the armed conflict, the Jiw and the Nukak Maku, as mentioned in the previous chapter. The Court ordered the state to translate its orders into the mother tongues of those communities.

Internet searches reveal that the Native Languages Law has been frequently cited between 2012 and 2014 in a range of documents of other Colombian state organs, but invariably appearing simply as a component of the list of legal instruments that apply to ethnic groups, not as the basis for specific governmental actions. The LLN and PPDE have also been cited as an achievement in reports to international bodies. However, one piece of international online news that highlighted the PPDE and Native Languages Law was not repeated by the Culture Ministry: in February 2012 Landaburu received the Linguapax Award, a prize given annually by the UNESCO Centre of Catalonia to "persons who have excelled in promoting linguistic diversity and multilingual education", in recognition of his "human and professional contributions to the life of Colombia's linguistic heritage" (UNESCOCAT 2012). That omission might seem odd given Landaburu's intensive recent collaboration with the Culture Ministry, and may be further evidence of bureaucratic lack of interest in pursuing the policy direction established by Landaburu. However, even ministerial personnel who favoured the original orientation of PPDE may have decided against drawing attention to Landaburu's acceptance speech,[405] which contained a short paragraph mentioning the delay in regulating the Native Languages Law, the halt to the Sociolinguistic Autodiagnostic, and a claim that many communities were waiting for official assistance for their revitalisation programs – and concluded that these were the vicisitudes of political affairs and the fragility of institutions.

COLOMBIAN LANGUAGE POLICY AT A CROSSROADS

Observed from the standpoint of early 2014, implementation of the Native Language Law and the associated effort to protect and promote the languages of the ethnic groups has become a significantly lower priority for Colombia's Culture Ministry, both in terms of what is actually done and what is publicised. Since the middle of 2010, there has not been a consistent and coherent endeavour to comply with the requirements of the law. There has been even less of an attempt to give continuity to the protection program established by Paula Moreno and Jon Landaburu at the start of 2008.

However, now that the Advisory Council for Native Languages has been convened, there may at least be an opportunity for the Native Languages Law's provisions to be enforced, and

[405] Landaburu's speech can be found at https://www.linguapax.org/wp-content/uploads/2016/12/Libret-del-Premi-LPX-2012.pdf

for that statute's vision for language protection and language rights to be retaken as a foundation for concerted state action. Even if the Culture Ministry continues to be half-hearted in its commitment to implementation, and does not sufficiently fund the Council, the eventual release of the Ten Year Plan may force it to return its languages work to a higher priority. The chapter that follows takes a closer look at what such an outcome would mean in terms of linguistic reparative justice, given the content of the Native Languages Law and the context of Colombia's indigenous peoples and state institutions. It also revisits the issue of constitutional and international law obligations, given that Colombian ethnic organisations or rights activists may decide to pursue legal avenues if the political and bureaucratic realms are not responsive, and thereby create a situation where state institutions are judicially required to provide measures that would serve to deliver LRJ.

CHAPTER 7

A CRITIQUE OF COLOMBIA'S NEW LANGUAGE POLICY: ITS APPROPRIATENESS AS A VEHICLE FOR LINGUISTIC REPARATIVE JUSTICE

This chapter picks up the model elaborated in Part A in order to assess the appropriateness of the minority language policy developed between 2008 and 2010, and particularly the Native Languages Law, as a vehicle for delivering LRJ. It first considers the legislation that has been introduced in other parts of the Americas and in Australasia with respect to indigenous languages. It then analyses the position of the LLN in relation to each of the domains of action set out in Chapter 4. This analysis shows that on paper the LLN aligns well with the range of measures identified in Chapter 4 as suitable for LRJ efforts, and with the LRJ principles on maximising participation by the communities concerned. However, I show that a number of factors, including bureaucratic indifference, lack of ministerial interest, limited funding, competing priorities within indigenous communities and organisations, and a failure to gain the support of all stakeholders, appear to have prevented the new Colombian policy from being implemented as it was originally planned.

COLOMBIA'S PLACE IN THE LINGUISTIC LEGISLATIVE PANORAMA

Whether with or without relevant constitutional provisions, many countries with indigenous populations now have legislative enactments that, in addition to symbolic recognition, do spell out linguistic rights and commit governments to introduce certain pro-language measures, albeit with considerable variation regarding the extent of such obligations. For example, Norway, Finland and Sweden all have laws confirming Saami linguistic rights.[406]

Amongst the countries of Australasia and the Americas, New Zealand was a forerunner with a 1987 law that made the Māori language co-official and established a special language commission[407] (May 2012; Stephens & Monk 2012).

[406] Plus constitutional recognition of the Saami and their languages (in amendments in 1988, 1995 and 2009 respectively).

[407] As mentioned in Chapter 4. The passage of this law followed an order by the Waitangi Tribunal, the body charged with hearing claims under the 1840 Waitangi Treaty made between British settlers and sections of the Maori leadership, in its ruling on a claim regarding the Treaty's implications for the native language.

Prompted by strong grassroots pressure from indigenous activists and their allies (Warhol 2012), the passage by the US Congress of the *Native American Languages Act* (NALA) of 1990 was the first legislation in the Americas dedicated to indigenous languages. In particular, it had a focus on public sector support for community-initiated efforts to maintain and revitalise Indian, Alaskan and Hawaiian languages (Hinton 2001; McCarty 2008b). NALA was eventually followed by the *Esther Martinez Native American Languages Preservation Act* of 2006, which has provided significant funding to the development of language nests and other forms of immersion language learning (Warhol 2012). Native language legislation or policy has also been developed in Hawaii and various mainland US states. In particular, as part of their responsibilities for education, state governments have provided for the teaching of indigenous languages in schools, with rules focusing on teaching certification and curriculum content (Hinton 2001; McCarty 2008b).[408]

In Latin American countries, twentieth century national laws, regulations and policies that dealt with indigenous languages were generally confined to the field of education, being the state response to indigenous activists in the 1970s, whose main language-related demands concerned greater control of schools and a place for their languages and cultures within them.[409] The relevant state authorities accepted Intercultural Bilingual Education as the preferred model for schooling in indigenous communities, and provided for it accordingly in educational legislation (Enciso Patiño 2004; Lopez 2008; Adelaar & Muysken 2004; Hornberger & King 1996; Hamel 2013).[410]

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[408] However, neither the *Esther Martinez Native American Languages Preservation Act of 2006* nor comparable state laws completely ameliorate some negative consequences of the federal *No Child Left Behind Act of 2001*. Its emphasis on conducting achievement tests in English and on staff being professionally qualified has impeded immersion education efforts in indigenous communities, and cut funding for some bilingual programmes (Aguilera & LeCompte 2008; McCarty 2008b). This outcome demonstrates why a commitment to LRJ would require guaranteeing its place within the legal and administrative framework so that it cannot be undermined or overridden by contradictory laws or decisions from other branches of government.

[409] In Peru a decree of 1975 declared Quechua as an official language in addition to Spanish, but entailed no state obligation. Rather than being passed by an elected legislature, this was an executive decree of a regime installed after a coup led by left-leaning elements within the military.

[410] It was also constitutionalised: as previously noted, bilingual education is stated to be a right of indigenous communities in the 1991 Colombian Constitution, while the 1993 Peruvian Constitution requires indigenous education to be intercultural and bilingual.

The subsequent wave of Latin American enactments – starting with 2003 legislation in Mexico, Peru[411] and Guatemala, and between 2008 and 2011 in Venezuela, Colombia, Paraguay[412] and Panama (Colon-Rios 2011) – exceed NALA in terms of the rights recognised and the scope of state action expected. While there is a risk such laws could remain letters on the page with a largely symbolic significance, there is evidence of implementation and further development. For example, the Mexican law led to the establishment of INALI (National Institute for Indigenous Languages), which has collected detailed sociolinguistic information on the country's more than 100 languages (Hamel 2013) and commenced projects to train interpreters for the justice system. Putting these aspects of the Mexican language law into practice amounts to implementation of some of the measures identified below as appropriate for LRJ efforts.

Canadian jurisdictions, unanimous in their constitutional silence regarding languages, have also tended not to produce legislation dedicated to them.[413] Federal laws only address them minimally.[414] The only provinces with laws addressing indigenous languages are Quebec[415]

[411] The 2003 Peruvian law contained a mere seven articles and mandated little in terms of state action. It was replaced by a 2010 statute with 22 articles and a correspondingly greater level of detail regarding state obligations. However, while raising the position of native Peruvian languages in general, the law meant a step back in symbolic terms for the preeminent native tongue, as it repealed the 1975 decree that gave an official status to Quechua.

[412] The Paraguayan law followed initiatives to strengthen the place of Guaraní – deemed co-official in 1992 – in the only Latin American country close to being a genuinely bilingual society. However, other indigenous languages are less favoured, both in reality and by the new legislation.

[413] Exceptions are three pairs of federal and provincial statutes incorporating agreements with three particular nations (one in each of Nova Scotia, Quebec and British Columbia) that grant the right to native language education in publicly funded schools (OLBI 2013).

[414] The 1969 and 1988 *Official Languages Acts* focus exclusively on English and French (Mackay 2010). The *Canadian Multiculturalism Act 1988* and *Canadian Heritage Languages Institute Act 1990* "made overtures to recognition of aboriginal languages in what was, all in all, a very half-hearted attempt", classifying them with immigrant tongues as heritage or non-official languages; the later statute "is all but void—no budget has ever been passed for it" (OLBI 2013). Federally enacted but of provincial impact, the *Cree-Naskapi (of Quebec) Act 1984* grants the Cree and Naskapi bands the right to use their respective languages in their meetings and resolutions.

[415] This is in the Preamble to the province's Charter of the French Language (Bill 101) of 1977. Quebec is the only province to explicitly recognise indigenous rights to culture and language in legislation (OLBI 2013). In

and British Columbia[416], while acts in Northwest Territories and the territory of Nunavut declare all local aboriginal languages to be official alongside French and English (Leitch 2006, 110).

In Australia there is no legislation recognising indigenous languages at the federal level, nor in the six states and two internal territories (despite thirty per cent of the Northern Territory population being Aboriginal, and a large number of languages surviving there).[417] Since 2004 a number of Australian states have introduced policies that address indigenous language, always with a focus on primary and secondary schooling (Nash 2013). A national policy was finally launched in 2009, proposing a coordinated approach to language endangerment and extending to domains beyond the schools system (Australian Government 2009).

Therefore, insofar as legislating state responsibilities on indigenous languages constitutes of itself a step towards LRJ, Colombia is advanced (particularly compared to Anglosphere states), but certainly not in a revolutionary vanguard. More precise consideration of the substance of its legislation sheds further light on its position.

CONTENT OF THE NATIVE LANGUAGES LAW: WHAT IT EXPECTS OF STATE ENTITIES

This section uses the abbreviation NL for the term "native language" as utilised in the LLN, thus referring to all Colombia's indigenous languages, plus Romany, Palenquero and the Creole of San Andrés and Providencia. For the sake of brevity, the analysis does not repeat a key feature of all the articles that mandate any form of institutional action: they all require

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the Yukon Territory, the Languages Act 1988 announces recognition of "the significance of aboriginal languages" and a wish "to take appropriate measures to preserve, develop, and enhance those languages". It also allows use of aboriginal language in Legislative Assembly proceedings and permits for regulations to be issued regarding provision of government services in a Yukon aboriginal language.

[416] The *First Peoples' Heritage, Language and Culture Act* 1996 set up a Council to advise the government on the "preservation and fostering" of that subject matter and to support organisations and programs.

[417] Australia's external territory of Norfolk Island does have such a law for the English-Tahitian creole brought there from Pitcairn Island by descendants of the *Bounty* mutineers (Ethnologue 2014). The *Norfolk Island Language (Norf'k) Act 2004* declares it official, and confirms rights to use Norf'k freely (but in official communications it must be accompanied by an English translation) and to utilise it in education (but without compelling any child to learn it).

consultation (or *concertación*) with the communities concerned. In this respect the LLN is strongly aligned with the principles of LRJ.

Rights to use language and elimination of official restrictions

Among the first articles in the LLN are ones that prohibit language-based discrimination, confirm rights to use languages in public and private domains without restriction, and provide for registering NL personal names.[418] Although they may require some action by state institutions (for example, preventing or prosecuting discriminatory acts, ensuring civil registry staff and systems are able to accept names in NL), in most respects these reflect Colombia's existing negative obligations – that is, obligations not to interfere with freedoms to use the language of one's choice – under the international human rights instruments discussed in Chapter 3, as well as under constitutional provisions. They are essential first steps in progress to LRJ, although far from sufficient. The 2012 scandal of the offensive civil registrations issued to Wayúu individuals was not resolved by reference to any LLN provisions, and shows that there are deeper systemic issues to be addressed.[419]

Primary and secondary schooling

As Chapter 5 explained, since 1978 the Colombian education system has acknowledged indigenous demands for culturally appropriate education in their communities, and indigenous languages came to be accorded a place in many of their primary schools. The 1991 Constitution also enshrined the principle that education in indigenous and other ethnic communities should be conducted in the respective group languages. However, just as Chapter 4 noted the existence of much dissatisfaction with the delivery of bilingual intercultural education in Latin America generally, so too has there been considerable criticism of Colombian ethnoeducation. The weaknesses identified relate chiefly to poor implementation: such as insufficient funding, lack of continuity within the Education

[418] Arts. 4, 5, 6.

[419] As noted by a Culture Ministry official (pers. comm. on 28 June 2011, i.e., prior to the publicity around the Wayúu registrations), the civil registry has offices throughout the country, and its staff have their own "customs", which may include resistance to accepting non-Spanish names, so there would need to be communication to them about the importance of respecting the new legislation.

Ministry, inadequate attention within departmental educational secretariats (ONIC et al. 2004; García-Bravo 2009; García León and García León 2012).[420] Other problems reflect socioeconomic and sociolinguistic realities of indigenous communities,[421] such as challenges finding community members with sufficient formal education to become teachers (Liddicoat and Curnow 2007). [422]

Article 20 of the LLN builds upon the existing Colombian framework of ethnoeducation in a way which partially addresses the concerns and criticisms raised. Educational authorities at all levels are required to guarantee that teaching of NLs is obligatory in the schools in communities where they are spoken. The LRJ principle giving paramountcy to the wishes of community members is satisfied by the proviso that "the intensity and methods of teaching" each NL vis-à-vis Spanish is to be determined via agreement between state educational authorities and community authorities. The same article authorises the engagement of teaching assistants in NLs through a process of community designation, which further satisfies the principle of community control, as well as sustaining both linguistic ecologies and local economies by providing employment options for NL speakers.[423] In common with the other provisions of the LLN, the education provision does not address the issue of NLs in the schooling given to indigenous children in urban settings or other locations away from indigenous territories, leaving this as a topic that indigenous organisations and educational authorities will have to resolve in the future.[424]

[420] There are also critiques directed at the conceptual foundations and design of ethnoeducation, such as Rojas (2011). During my period of field research many people I conversed with who had experience with ethnoeducation raised various deficiencies in its design, execution or funding.

[421] Nor does the particular situation of indigenous community schools exclude them from problems identified as generalised across the Colombian school system, such as the quality of teachers and teaching in poorer performing schools (Bruns and Luque 2014; Uribe-Jongbloed and Anderson 2014).

[422] Availability is also an issue: less than half of indigenous children at primary schools are enrolled under an ethnoeducational model (UNDP 2013).

[423] LLN art. 20 also provides that the "Culture Ministry, Education Ministry and departmental education secretariats will make agreements of mutual support and cooperation for everything relating to teaching and use of native languages in the educational programs of ethnic groups."

[424] This is one aspect where it may be helpful for NL communities and educational officials to exchange experiences with their counterparts elsewhere in Latin America – for example, Rebolledo Recendiz (2008)

The LLN goes furthest beyond existing arrangements in requiring the state to take the measures necessary to ensure, in communities where a NL is spoken, that teachers of all grades can speak and write the language and have knowledge of the group's culture – which is often not the case at present (Liddicoat and Curnow 2007). By requiring majority society members to learn an indigenous language, this would represent a move to address the asymmetric bilingualism (Pou Giménez 2012) that has typified the imposition of schooling in indigenous communities. In that regard, the LLN goes on to state that the Education Ministry, in coordination with universities and other appropriate entities, "will motivate and give impetus" to the creation of programs to train teachers in the "good use and teaching" of NLs – a demonstration of the LLN's tendency to indicate the appropriate institutional response but without explicitly ensuring implementation thereof.

The deficiencies in the purportedly bilingual education in some indigenous schools have been contrasted with the volume of resources put into teaching English, German and French in Colombia's elite private schools (Mejía 2005; Mejía and Montes, 2008) and with the government's prioritising since 2005 of a National Bilingual Plan[425] that aims to increase teaching of English throughout the national school system (Usma Wilches 2009; García León and García León 2012). Expanding and improving the degree to which NLs are taught or used as medium of instructions is likely to depend on developments within the hierarchy of educational bureaucracies, along with significantly increased funding for indigenous schools, more than on any impact from the LLN's provisions. The option for indigenous communities to have fuller control of their educational systems, under a framework known as SEIP (*Sistema Educativo Indígena Propio*) that was approved in 2010,[426] should at least lead to school administrations having a stronger consensus in favour of NLs; but resourcing will remain the key limitation. Bearing in mind the harm inflicted upon traditional linguistic practices by the nation-state's imposition of majority language schooling on indigenous communities, a genuine effort to provide LRJ in the educational sphere would require a much higher investment by state authorities to slow or reverse the historical processes of assimilation.

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examines an initiative in Mexico City to establish bilingual schooling for an indigenous group concentrated in certain neighbourhoods.

[425] *Plan Nacional de Bilingüismo*.

[426] Decreto 2500 de 2010.

Raising awareness among indigenous community members

The LLN conferred permanency upon two activities, both commenced by the PPDE team before the law's passage, that are likely to have an impact on awareness within indigenous communities of language endangerment and language maintenance. The first of these activities is the Sociolinguistic Autodiagnostic.[427] By going into the communities, training members, developing and applying the questionnaires, and then supplying and discussing the results, community members can be alerted to the risk or reality of language shift – for example, confirmation that the youngest children do not speak the NL – and thus of the need to increase opportunities for intergenerational transmission and for use of the NL in a range of domains. This potential to transform the social context that is most crucial for language transmission makes this activity a particularly apt application of LRJ.

The other activity is a celebration each year on 21 February, declared the "national native languages day", when events and educational programs are to be held across the nation to highlight and promote "the value of multilingualism and cultural diversity."[428] Insofar as those events and programs take place in, or are broadcast into, NL-speaking communities, they would have a positive effect on linguistic attitudes and practices. However, in recent years the Culture Ministry's main focus has been on the *Fiesta de Lenguas*, held each April as part of the Bogotá International Book Fair. While this may raise awareness amongst the non-indigenous Colombians who are able to visit the pavilion in which it is held, or who view the events through the Culture Ministry website, it is difficult to measure what impact this would have on the sociolinguistic circumstances of the NL-speaking communities. The community members brought to the capital to present or participate are generally writers or performers who would probably already possess an advanced consciousness themselves regarding issues of linguistic and cultural maintenance. However, it does seem reasonable to predict that the additional visibility and state support they receive may have indirect positive consequences for the NL within their communities.

[427] LLN art. 22 requires the State to undertake a "sociolinguistic survey" every five years, advised by Culture Ministry and with consultation with community authorities. Note that this article does not require the survey to be methodologically identical to the Sociolinguistic Autodiagnostic.

[428] LLN art. 25.

There would therefore appear to be scope for the legislative or regulatory armoury to be expanded to include measures that more consistently and solidly target the language attitudes and other sociolinguistic factors within indigenous communities. For example, more effective communication about the benefits of bilingual education and childhood experiences might serve to offset the backlash against NL-medium education on the part of some indigenous parents (López 2008).

Administration and public services

In common with other parts of the Americas and the other settler states considered in this study, Colombia's justice system, health services and administrative organs have been the preserve of the coloniser's tongue. This is despite the 1991 Constitution's announcement of the co-officiality of ethnic group languages in their territories – it appears that this has never been interpreted to mean that, at least within those territories, there should be some use of indigenous and creole languages by state agencies. At the departmental level, the 1992 declaration of Wayúunaiki as co-official in La Guajira similarly failed to yield bilingual administrative machinery, communications or service delivery.

Against this background, LLN makes a bold attempt to enact public sector obligations to cater to NL-speaking communities. Articles 7, 8 and 9 proclaim the rights of NL speakers to use their languages in dealings with the justice system, public administration and health services. Requirements are then imposed on the relevant entities at all jurisdictional levels to make arrangements for speakers to be assisted by interpreters upon request, and to develop measures in consultation with the communities to advance progressively in complying with those obligations. Additionally, all tiers of public administration are expected to use print, audio, audiovisual or other means to disseminate laws, regulations and contents of programs directed at ethnic groups in their respective NLs.[429]

These wording of these requirements does not limit them to the situations of NL-speakers who lack abilities in Spanish. Rather, they are expressed to be for any NL-speakers, and for NL-speaking communities generally. As such, they reflect principles of LRJ, rather than

[429] LLN art. 8.

more instrumental conceptions of language rights, or linguistic justice approaches, that focus on the communicative capacities of the individual.

To an extent these provisions are backed up by a subsequent section[430] that requires the Culture and Education Ministries to coordinate the creation of training programs for translators and interpreters. Apart from this aspect, the implementation of these articles will be dependent upon the good will and resources of the varied range of public organs, and some private organisations, that have roles in justice, health and public administration. An agency with national level responsibilities would be greatly challenged by the task of putting even short pieces of information into as many as 68 different NLs, let alone lengthy legal documentation. This typifies the hurdles facing nationwide institutions that attempt to apply LRJ in a country where there is a multitude of indigenous languages. At the other end of the jurisdictional scale, Colombian municipalities with only one NL spoken within their boundaries are unlikely to have the resources to deliver services and documentation bilingually, or even to engage interpreters on a regular basis. At all levels within the administrative hierarchy, these complications may also be accompanied by a lack of will on the part of decision makers, or of employees on the front line, particularly in cases where the indigenous public has competence in Spanish, and this may extend to resistance or even hostility.

In this regard, any efforts to implement this trio of provisions could well be complicated by the decentralised nature of governance in contemporary Colombia. The 1991 Constitution and reforms that came in its wake[431] have resulted in the devolution of many functions to lower tiers of government, and of the decision-making power in relation to them, which may limit the potential for administrative organs at the top to mandate detailed compliance with LNN provisions. Moreover, in neo-liberally oriented Colombia, as in many countries in which minority languages are spoken, contemporary tendencies to sell off state-owned enterprises and contract out public service provision to the private sector also hinder or prevent the application of language policy measures to those operations (Williams 2013b).

[430] LLN art. 21.

[431] And also some reforms that immediately preceded it, such as the 1986 measures that established direct election of most municipal posts.

This seemingly pessimistic perspective on the prospects for LRJ in these key domains is supported by a historical precedent in Colombia. This is the 1993 law that established the departmental framework in the islands of San Andrés and Providencia, including a declaration that Spanish and English were jointly official.[432] It required national and departmental authorities to take action to implement a bilingual education system on the islands and make arrangements for teachers to gradually develop competence in both languages;[433] announced that "all laws, decrees, resolutions, ordinances, agreeements, circulars and information to the public related to the department, issued by public entities at the national, departmental or municipal level" needed to be published in both Spanish and English; [434] and stated that public employees exercising functions directly related to the public should speak both languages.[435] Two decades later, there has been minimal compliance with these succinctly expressed stipulations, which are among a mere fifty-eight articles in a law that is fundamental to the archipelago's governance and its relationship with mainland Colombia.[436]

Linguistic landscape

The LLN does not mandate state institutions to initiate actions that would increase the visibility of NLs in signage or other components of the linguistic landscape. However, by providing that geographic names in NL "may be registered for public purposes",[437] it

[432] Ley 47 de 1993 art. 42.

[433] Ley 47 de 1993 art. 43. The act does not name the creole language as such, but this section on education obliquely acknowledges it – and thereby implies a partially trilingual schooling – by following the words "Spanish and English" with the clause "with respect towards the traditional linguistic expressions of the natives of the Archipelago."

[434] Ley 47 de 1993 art. 44.

[435] Ley 47 de 1993 art. 45.

[436] There has been partial compliance with another section, art. 46, which called for the establishment of "a university to impart bilingual higher education in disciplines related to the sea and its exploitation, tourism, trade, finance, bilingual education and other areas of knowledge deemed appropriate for the cultural development of the inhabitants". There are now two higher education institutions on the island, but both function primarily in Spanish; a Protestant college that largely utilised English is no longer in operation (islander scholars, pers. comm.).

[437] LLN art. 6. This provision also notes that alphabetic transcription of place names (and also proper names) shall be regulated by the National Advisory Council for Native Languages.

impliedly requires the relevant entities to accept such registrations. Further, the stipulation that such registered NL toponyms are co-official with any corresponding Spanish name at least provides the possibility that the former will be visibilised in signage and maps. As it happens, the Agustín Codazzi Geographic Institute, which produces official maps and cadastral registers, had independently commenced work on incorporation of indigenous toponymy into its cartographic data (ACGI official, pers. comm. 2011). However, given that responsibilities for the deployment of signage would be borne by a wide range of public and private entities, there is no guarantee that the legislation will reach far beyond the Codazzi Institute's maps.

Promotion of written language

Prior to the LLN, as indicated by Chaper 5, Colombian state institutional action regarding written expression of indigenous languages consisted mainly of work on ethnoeducational materials by the Education Ministry, lower-level education authorities and public universities, in addition to linguistic research conducted in the latter and in the Caro y Cuervo Institute. The ground-breaking translation of key portions of the 1991 constitution into seven indigenous languages was commissioned by the Presidency and undertaken by CCELA, located in an elite private university and with its French funding – thus constituting a joint contribution by the central state, private educational entities and international actors. Subsequently the Culture Ministry began to provide prizes, scholarships and other support for literary activity that benefitted authors writing in indigenous languages,[438] giving a boost to both new literary production and the recording of oral literary traditions.

This pre-existing mission of the Culture and Education Ministries has been confirmed and amplified by the LNN, which expects the state, "through Culture Ministry, Education Ministry, departmental education secretariats, public universities and other public or private

[438] These included success in general rounds of grants and prizes, such as *Programa Nacional de Estímulos* and *Convocatoria del Programa Nacional de Concertación Cultural*, and specific ones such as the *Convocatoria de becas nacionales de creacion en oralitura* – see Rocha Vivas (2010) for an indication of literary output facilitated by such support. During Paula Moreno's 2007-2010 tenure the Culture Ministry produced the eight volumes of the *Biblioteca básica de los pueblos indígenas de Colombia*, embracing *etnoliteratura* (contemporary writing) and *oraliteratura* or *oralitura* (oral literature), with the more recent material presented in indigenous languages alongside Spanish translations, along with extensive commentary.

entities with capacity and disposition, to encourage initiatives and provide resources for production and use of materials written in NLs", giving preference to publishing of materials elaborated by community members and relating to their cultural values and traditions.[439] As with other provisions in this statute, there is no quantification of the attention and expenditures that should be directed to these objectives, and its impact beyond the ministries named is likely to be minimal in the absence of any further directives. What effects that the LLN does have may be indirect, and as a result of its symbolic force. This may lead to more initiatives being undertaken without Culture Ministry prompting, such as the translation in 2012 of the main webpage of the National University of Colombia's Faculty of Arts into four indigenous languages.

Television, radio, internet, social media and new technologies

Colombian state institutions began providing some support for indigenous community radio stations in the 1990s, and particularly pursuant to a 2002 Culture Ministry program and Communications Ministry projects, with varying degrees of indigenous language use in their airtime (Rodriguez and El Gazi 2007; Murillo 2008; ONIC 2009; Cuesta Moreno et al. 2013).[440] The LLN urges multi-institutional responses that go significantly further, for example opening up televisual possibilities, although without specifying details regarding input or output for any medium. The legislation charges the state with taking measures to disseminate "the reality and value of the nation's linguistic and cultural diversity in the public media" and with encouraging[441] the production and broadcasting of programs in NL in the "technological media of information and communication", and directs the Ministry of Culture, the Ministry of Information Technology and Communications, the National Television Commission, as well as all lower levels of government, to lend support to the

[439] LLN art. 17.

[440] Rodriguez and El Gazi (2007) note how state authorities insisted on licensing indigenous stations as "public interest radio", which meant they were unable to take paid advertising – a restriction that was not conducive to operational sustainability, nor likely to enhance quality and quantity of programming.

[441] The Spanish verb used is *impulsar*, which can be variously translated as promote, encourage, propel, launch, drive, foster, inspire and stimulate. Roughly equivalent meanings apply to *fomentar* and *propiciar*, two other verbs appearing in this provision and others describing the new state responsibilities. As with Art. 18 and most other state actions required by the LLN, this is to be done in *concertación* with the authorities of the peoples concerned.

making of such programs.[442] A subsequent provision requires the state "through the Culture Ministry and other public or private entities" to encourage initiatives and provide resources for production and use of audio, audiovisual and digital materials in NLs; to promote training for production of materials by community members; and to facilitate access for speakers to new forms of communications in NLs and by "fostering the creation of internet portals."[443]

For the more vital NLs, such measures could increase their visibility, spread use into new domains, help create a cultural class that creates content in the NL, feed back into demand for NL courses in schools and universities, and have positive economic impacts within NL communities, along the lines of what has been observed in respect of minority tongues such as Gaelic (Milligan et al. 2011). This is therefore another instance of the LLN providing a suitable legislative framework with due regard for evolving contexts (such as heightened digital literacy)[444] – and, at the same time, one for which outcomes would depend upon coordinated action by a range of central government organs, and significant commitments by private sector media organisations and by universities in order to provide the necessary training. Only if there were such follow-through could it be possible to regard the media-related components as successful applications of LRJ.

Supporting other cultural expressions

Support for cultural expressions has been one of the stronger emphases in the Culture Ministry's operations since its inception – in fact, as noted previously, the ministry has been criticised for indulging in "folklorisation" precisely because of this focus. As well as its aforementioned role in promoting literary production in indigenous languages, Culture Ministry support for indigenous cultural manifestations has included attention to indigenous music and traditional performances utilising NLs. The units responsible for culture at local and departmental levels will also, insofar as they deal with indigenous communities, give some attention to cultural activities that may utilise the NL. The LLN is not explicit regarding

[442] LLN art. 16.

[443] LLN art. 18.

[444] It may also serve to reduce the tendency of mass media, when they mention indigenous people at all, from portraying them either as a menace or as something exotic or folkloric (Rodriguez and El Gazi 2007).

this aspect, but enhanced support for cultural events and expressions involving NL use would contribute to the language strengthening programs envisaged by the legislation.

Linguistic research and documentation

As noted in Chapter 5 and the Appendix B chronology, linguistic and anthropological research has been carried out in Colombian indigenous communities for nearly a century. By the time CCELA commenced its activities in the 1980s, significant studies were already being undertaken by researchers at a number of public institutions, notably the National University of Colombia, University of Cauca, Caro y Cuervo Institute and ICANH, thereby displacing the evangelisation-focused SIL (Summer Institute of Linguistics) from its once dominant role in the field. The addition of ethnic group members to the corps of researchers accompanied transformative processes within academia that saw indigenous peoples become subjects rather than objects, and new emphases on collaborative research and the return of results to the communities concerned. Further, the creation of ethnoeducation programs created new fields of endeavour for linguistic researchers. However, once again, insufficient resourcing has often limited this work – with the consequence that some Colombian languages remain little studied, and without materials to bring them into educational contexts.

The collection and storage of material documenting NLs has involved the above institutions as well as entities such as the National Archive and the National Library. For example, the National Archive obtained international funding in 2006 (Archivo General 2009) for a multi-year project for the "identification, retrieval, dissemination and visibility of the existence of oral records of Colombian native languages within and outside the country" (Archivo General 2010).

Thus the LLN is legislatively entrenching existing institutional lines of work when it identifies the Culture Ministry, National Archive, Caro y Cuervo Institute, ICANH, National Library "and other qualified entities"[445] as responsible for pushing the "collection,

[445] It could be presumed that these would include the Banco de la República, the central banking entity, which controls a number of libraries, cultural centres and museums that enjoy better resourcing than their counterpart institutions under Culture Ministry control. Those facilities and funds could be of assistance for activities conducted under the auspices of the LLN.

conservation and dissemination of written, audio and audiovisual materials representative of native languages and of the oral traditions produced in these languages" in libraries, cultural centres and archives from national to community level.[446]

The same holds for the confirmation that Colciencias, the national research funding body, is responsible for supporting NL research and documentation projects and for ensuring that results are returned to the communities studied.[447] However, the relevant section adds the qualification that such NL-related projects "will be financed or co-financed by resources that the Culture Ministry allocates to research." Given the budgetary limitations faced by the Ministry, it is unclear that this particular commitment could result in a significant boost to such research.

Perhaps of more significance is the continuation of that same article, which specifies that the state is to give support to public and private institutions that are equipped to implement training programs for researchers in NLs, with "special support to be given to the training of researchers selected from among members of native communities." The overall result is that the entities that have conducted research and documentation work previously are expected to continue with it, while ensuring that those activities are expanded and reinforced in the future by injection of funding and qualified personnel. Importantly for the perspective of LRJ efforts, the research personnel would include an increasing proportion of individuals from the ethnic groups. This would mean that there is an enhancement, both real and perceived, of the degree of community ownership of research and related activities – and a corresponding diminution of any impression that the research represents the imposition of a distant state or an invasion by self-interested and self-appointed non-indigenous experts. This indigenisation of the research process would be likely to strengthen the success of revitalisation efforts.

Universities and adult education

The linguistic research on NLs carried out at a handful of Colombian universities was joined from the 1980s onwards by degrees to train students to teach in the evolving ethnoeducation programs in primary schools. The LLN reinforces the importance of including a linguistic

[446] LLN art. 19.

[447] LLN art. 21.

component within those degrees by requiring the Education Ministry to promote, "in coordination with universities and other appropriate entities … the creation of training programs for teachers to train them in the proper use and teaching of NLs."[448] It then goes even further by mandating that the state "give support to universities and appropriate educational entities to create subjects for study and learning of native languages" as well as "stimulate the creation of training programs in the knowledge and use of NLs directed at non-indigenous persons responsible for providing public services or developing programs for communities with difficulties in communicating in Spanish" and of training programs for translators and interpreters.[449]

If the Culture Ministry were indeed to undertake a serious effort to stimulate the establishment of this range of university programs, and the universities were able to secure the necessary finance, there would be positive effects on the NLs going beyond the numbers of researchers, teachers, translators and interpreters who graduate in the first cohorts. Those effects include the creation of a professional and intellectual class that would generate further, and hopefully self-sustaining, prestige and attention for the NLs. Along with this would come an economic value for the NL that did not exist before, which could slow, or even reverse, the sociolinguistic dynamics that have hitherto prompted the abandonment of NLs in favour of Spanish – an outcome in full consonance with the objectives of LRJ.

Language acquisition outside of schools and other revitalisation initiatives by communities

One area in which the LLN has the potential to have significant impact is with respect to the wide range of revitalisation endeavours of the type undertaken by indigenous and minority language communities all over the world. Some of these have already been supported by Colombian state institutions - for example, the sociolinguistic survey for which CRIC received Culture Ministry funding in 2005/2006 (González Garzón 2013; Bodnar 2013). In that instance it was fortuitous that the project was directed at NL revitalisation, as the line of financing was open to wider class of culture-related projects. In contrast, a proper

[448] LLN art. 20.

[449] LLN art. 21.

implementation of the LLN's terms would mean dedicated categories of funding and other forms of assistance for language projects proposed by communities.

A number of LLN provisions deal with this kind of support, all of them imposing a high level of responsibility upon the Culture Ministry. It is charged with coordinating state action for formulating and implementing the policy of protection and strengthening of NLs, and its defined functions include helping to design, implement and evaluate protection programs; advising national, territorial and ethnic entities that implement protection programs; and coordinating activities favouring NLs with indigenous territorial entities.[450] In consultation with communities, the Culture Ministry and territorial entities are expected to coordinate the design and execution of revitalisation and strengthening programs for languages in a precarious state, and of "emergency plans to copy all possible documentation and develop actions oriented to revitalisation" for those in danger of extinction.[451] As would befit the conceptualisation of LRJ advanced in the first half of this thesis, the legislation also authorises action in the case of sleeping languages (matter-of-factly labelled "extinct" in the section's title): communities that "initiate endogenous processes of recovery of linguistic forms" belonging to a language they historically used can receive state support if there are "conditions of viability and collective commitment" to that recovery.[452]

If the Culture Ministry is able to obtain and allocate funds to assist these programs, and to facilitate the deployment of the necessary professionals and material, then it will be fulfilling one of the key roles for the state in the delivery of LRJ. An element of the LLN that raises the likelihood of the requisite attention being given is the deeming of all NLs as automatically incorporated in the national list of intangible heritage, which makes them subject to its protection and safeguarding regime, which entails approval of a PES (Special Safeguarding Plan) "aimed at strengthening, revitalization, sustainability and promotion of the respective manifestation."[453] Such a plan has been created for the creole language Palenquero

[450] LLN art. 23.

[451] LLN art. 13 and 12 respectively.

[452] LLN art. 14.

[453] Ley 1185 de 2008 art 8.

(Mincultura et al. 2012).[454] Nonetheless, it remains to be seen to what extent the existence of a PES will result in support for implementing the measures contained in it. Further, given the resources available to the Division of Populations, it is unclear how long it will take to come up with a PES for each of the other 66 languages covered by the LLN.

Language management institutions

Prior to the LLN, Colombia had never had a language management institution as such,[455] although arguably from 2008 the PPDE team carried out some of the functions that would pertain to such a body. The LLN advances the situation significantly by providing for the creation of the National Advisory Council for Native Languages, defined as the "technical organ responsible for advising the Culture Ministry in definition, adoption and orientation of plans to protect and strengthen" NLs (Article 24). Other legislatively specified functions include determining which languages are in danger of extinction or in a precarious state; regulating the alphabetic transcription of proper names and place names in NLs; and advising the Culture Ministry on the preparation of the Ten-Year National Plan for Protection and Strengthening of Native Languages.[456]

Decree 1003 of 2012, the instrument issued to regulate the Advisory Council, set out further functions for the body:[457]

- Advise on the development of plans and programs for the collection and protection of documents and oral traditions of NL-speaking peoples.
- Advise the Culture Ministry on the design, implementation and evaluation of programs to protect NLs, and on mechanisms to evaluate projects to defend and strengthen NLs submitted by public or private institutions or individuals.
- Conduct analyses of technical indicators establishing the state of vitality of all NLs to specify the level of support they require.

[454] According to Culture Ministry staff (pers. comm. 2011), the Division of Populations chose Palenquero as the first language for which to develop a PES, coinciding with a number of other activities in relation to San Basilio de Palenque and its unique heritage.

[455] As noted in Chapter 5, the CNLA (National Committee for Aboriginal Languages) founded in 1986 was focused on academic research in relation to those languages.

[456] Respectively: LLN arts. 12 and 13; art. 6; and Transitory art. 2).

[457] *Decreto 1003 de 2012*, art. 2.

- Advise on the design and implementation of emergency plans to gather all possible information about NLs in danger of extinction, and of programs to revitalize and strengthen NLs in precarious state.
- Propose methods for promoting NL use in communities, and mechanisms to prevent extinction of NLs.
- Act as a forum for coordination and consultation between the Culture Ministry and public or private institutions or individuals who can contribute to the development, adoption and orientation of plans to protect and strengthen NLs.
- Advise on the design of mechanisms for cooperation between the Culture Ministry and other public entities in the definition of guidelines, criteria and standards for protection and strengthening of NLs.
- Advise on the design of tools for compiling information on NLs.
- Engage in follow-up of the short-, medium- and long-term actions set out in plans to strengthen and protect NLs.
- Propose research on NLs.

Thus the regulatory decree, although overdue in its promulgation, specifies an appropriate range of functions for the Advisory Council to address potentially the fields of action covered in this section of the chapter.

The composition of the Advisory Council would also appear to be acceptable from the perspective of LRJ principles. A majority of the councillors are required to be ethnic group members and either be recognised speakers of their language or have a history of promoting it, and to be elected by their community.[458] The remainder of the councillors are designated as: one expert in NLs from each of Caro y Cuervo Institute, ICANH, and the National University; an expert representing other universities with programs of native language research, and another for those with ethno-education programs;[459] an Education Ministry delegate with responsibilities in the field of education in ethnic groups; and a

[458] LN art. 24. The precise allocation of the positions determined by Decree 1003 de 2012 will be addressed below, in the section on the effect of statalised multiculturalism on the LLN's implementation.

[459] The first attempt in October 2012 to designate these two additional university representatives (pursuant to *Resolución 2307 de 2012*) failed when no institution applied for the evaluation session, necessitating a second call for applications (*Resolución 0063 de 2013*) in January 2013, which did result in appointments.

Communications Ministry delegate responsible for the subject of communications media in ethnic groups. The LLN thereby assures the ethnic group representatives of a potential to determine the outcome of any votes, as well as having the symbolic value of granting them a majority, which indicates due respect for the peoples who have suffered the historic wrong that LRJ aims to redress. At the same time, it gives a place at the table for the state institutions that have the most power and resources that would have to be applied to any LRJ effort.

However, the Advisory Council is only obliged to meet twice a year, and the positions on it are unpaid.[460] It bears little resemblance to the language commissions and boards discussed in Chapter 4, which have permanent offices and staff. Although it is duly empowered to make decisions about measures that would coincide with LRJ objectives, the Advisory Council is not equipped to implement them. Any such implementation – and indeed any information gathering, or publication of Council opinions – would be dependent upon the Culture Ministry,[461] particularly the Populations Division, which would need a significant injection of resources if it were to adequately carry out that role. Thus, it is doubtful that the Advisory Council can in fact be categorised as a language management institution.

For Latin American countries, an appropriate model may be Mexico's INALI (National Institute of Indigenous Languages), which is staffed and resourced at levels that have enabled it to conduct significant sociolinguistic surveying, publish materials on the country's languages, and advance with programs for training translators and interpreters. Similarly, Paraguay's Secretariat of Language Policy offers another model in which language promotion activities do not have to compete with distinct priorities, as occurs with the languages work of the Division of Populations in Colombia's Culture Ministry. At the very least there could be a dedicated unit within a broader ministry, as with the Division of Indigenous Languages in Peru.[462]

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[460] *Decreto 1003 de 2012* art. 14 and art. 16 respectively.

[461] LLN art. 23 charges the Culture Ministry with allocating the resources necessary for the operations of the Advisory Council.

[462] For some of the more widely spoken languages, there may be future possibilities for community language activists and linguists to form single-NL academies or institutes, which would merit resourcing and collaboration from the Culture Ministry or other organs of central state.

Expanding into new domains: encourage use in private sector and civil society

Although there is only one case in which it imposes obligations upon entities outside of the public sector, the LLN does contain references to potential roles for private institutions in several fields of action.

Firstly, the LLN explicitly includes private sector bodies in its section on the imposition of responsibility on health services regarding NL: and both public and private providers of health services and insurance are expected to reach agreement with governmental health authorities on "appropriate measures that enable progressively advancing" towards meeting those commitments.[463]

The provision relating to audio, audiovisual and digital materials orders the state, "through the Culture Ministry and other public or private entities", to encourage initiatives and provide resources for production and use of such materials; to promote training for production of materials by community members; and to facilitate access to new communications media by NL speakers.[464] Likewise, both public and private institutions are identified as possible implementers of training programs for NL researchers (for which the state will lend support) and NL translators/interpreters for health, justice and administration (with state institutions coordinating the creation of such programs);[465] similarly as having a role in promotion or resourcing of the production of written materials.[466] It would seem that universities, media organisations and publishing companies are the most likely entities to fall within these categories. Even if they are not bound by obligations to act, the legislation may leave them favourably disposed to collaborate. It is not inconceivable that Colombia could one day have its own version of an agreement recently struck between Paraguay's Secretariat of Linguistic Policy and a leading faculty of medicine, which has the objective of incorporating the teaching of Guaraní in the academic training of medical students (SPL 2014).

[463] LLN art. 9.

[464] LLN art. 18.

[465] LLN art. 21.

[466] LLN art. 17.

Intermediary for international networking and funding

The LLN commits the Culture Ministry and Foreign Ministry, in consultation with the authorities of peoples whose language is spoken across the national frontier,[467] to design joint plans of protection and strengthening for cross-border languages within the framework of bi-national agreements.[468] There do not appear to have been any such language-specific agreements made since the passage of the LLN, but certainly the stipulation fits well with the points raised in Chapter 4 on the importance of coordinating LRJ actions across national boundaries – and when they do come to take actions to favour cross-border languages, state institutions are likely to see the advantages of exploiting economies of scale by such partnerships.[469]

In terms of foreign support for activities carried out within Colombia, the Culture Ministry and its entities have been beneficiaries of international cooperation on numerous occasions. For example, in addition to the National Archive's NL oral records project mentioned above, large sums were donated by Japan, South Korea, and the Bill and Melinda Gates Foundation for projects to modernise the national library system (Ponsford 2013). The LLN affirms that the Culture Ministry's functions include obtaining scientific, technical and financial resources, from both national and international sources, to promote programs and projects in favour of NLs.[470] As discussed in Chapter 4, LRJ implies that the state interacts and intermediates with international academic institutions and NGOs in relation to language

[467] Thirty of Colombia's indigenous languages have speakers in neighbouring countries. Of the NLs spoken by other ethnic groups, Romany is spoken by Gypsy communities in many countries beyond Colombia. It could also be possible to regard the Raizal creole of San Andrés and Providencia as cross-border language if characterised as part of a West Caribbean Creole spoken in Belize, Jamaica, Cayman Islands and settlements in Panama, Costa Rica, Honduras and Nicaragua.

[468] LLN art. 15.

[469] There is also scope for multinational responses, such as projects launched by CRESPIAL (Regional Centre for the Safeguarding of the Intangible Cultural Heritage of Latin America): it has brought five countries together for efforts to protect Guaraní cultural expressions (http://www.crespial.org/es/Proyectos/index/0003/inventario-del-universo-cultural-guarani), and convoked three nations for the safeguarding of Aymara oral traditions and other forms of intangible cultural heritage (http://www.crespial.org/es/Proyectos/index/0001/proyecto-multinacional-salvaguardia-del-patrimonio-cultural-inmaterial-de-las-comunidades-aymara-de-bolivia-chile-y-peru).

[470] LLN art. 23.

teaching, documentation, revitalisation techniques and any other endeavour likely to maintain or revive indigenous languages. Colombian state institutions are already on the right track in this respect at the macro level, but would have scope to do more to facilitate grassroots endeavours, such as linking up community efforts with international NGOs, universities and foundations that can provide targeted collaboration. This would enable more outcomes along the lines of the *Nasa Yuwe Talking Dictionary*, produced by Nasa members and Caro y Cuervo Institute with the assistance of the National Geographic Enduring Voices Project, the Living Tongues Institute for Endangered Languages, and Swarthmore College (Arias et al. 2012).[471]

FUNDING, CONTINUITY AND SUSTAINABILITY

The discussion in this chapter and the preceding one demonstrate that the work and then the very existence of the PPDE were curtailed as 2010 progressed. Similarly, the provisions of the LLN have only been implemented on a very piecemeal basis. A number of explanatory factors have already been identified in Chapter 6, such as the low priority assigned to the PPDE's labours following the exit of Jon Landaburu and Paula Moreno. Additionally, incoming Culture Minister Mariana Garcés made it clear that she thought the topic of ethnic diversity had been well addressed by her predecessor, and that there were other pressing cultural matters to attend to. In one early interview Garcés said: "We've just had an Afro-descendent minister, and black culture achieved visibility. There has also been significant work with indigenous and urban communities. With peasant communities [*comunidades campesinas*] less, and they should receive attention." There was no one to be a champion for the language program – in contrast to the National Library, whose director managed to secure significant resources to expand and update the library system (Ponsford 2013).

In numerous respects, the Culture Ministry and particularly the Division of Populations "dropped the ball" with respect to the PPDE and LLN. Of itself, such a demonstrated lack of commitment set an unfortunate example for the many institutions that are in a position to respond to the LLN's provisions but are not obliged to do so. The failures to issue regulations

[471] There are now Talking Dictionaries for five Colombian languages: Nasa Yuwe, Sáliba, Embera, Uitoto and Wayuunaiki (http://talkingdictionary.swarthmore.edu/latinamerica.php).

for the Advisory Council by the January 2012 deadline[472] or make significant progress meant that the work of the PPDE lost momentum and the LLN dropped out of visibility. As my media and internet searching disclosed, most mentions of the LLN have been in formulaic recitals of the components of the legal framework governing cultural diversity, and very rarely present the legislation as the driver of language-related actions by state institutions.

The precisely statistical methodological approach of the Sociolinguistic Autodiagnostic's original campaigns was compromised and its results were not circulated in the way intended. The impression of inadequate transparency and accountability was reinforced by the repetitiveness and lack of detail in the irregular updates made by the Division of Populations, with only the Festival of Languages and the work with Palenquero being well documented. Crucially, the failure to incorporate the PPDE and LLN in any significant way into the 2010-2014 National Development Plan, and the ongoing delay in producing the Ten Year Plan that was due by 25 January 2012, has further impeded the delivery of resources.

Other laws that were passed around the same period as the LLN, and also under the auspices of the Culture Ministry, built in a mechanism to ensure a stream of funding to sustain the measures that they introduced. The Public Libraries Law (signed the week before the LLN) creates a system of "complementary funding of the national public library network", utilising a portion of a special tax that local authorities can levy to fund cultural expenditures.[473] It

[472] A delay or failure in issuing regulations for a new law is not unknown in Colombia: a recent media article revealed that over 30 laws remain unregulated (http://www.vanguardia.com/actualidad/colombia/267068-mas-de-30-leyes-no-han-sido-reglamentadas-por-el-gobierno). However, as noted in Chapter 6, the Culture Ministry's own legislation has been dutifully regulated: regulatory instruments for the public library and public performances laws were issued within two and six months respectively after promulgation of the respective laws. In contrast, the first regulatory decree for the LLN was issued 26 months after its promulgation.

[473] Local authorities have the power to subject selected activities to a special value-added tax (using a "Procultura stamp") of between 0.5% and 2%, the proceeds of which are allocated to culture; no less than 10% of the amount collected must now be allocated to the endowment, infrastructure, enhancement, or creation (not payroll or operating budget) of public libraries (Ley 1379 de 2010 art. 41). This legislation originally set up a further funding source for the library system: since 2007 Colombia's 16% value-added tax has been applied at a rate of 20% in the case of mobile phone services, with the 4% difference allocated to sport and culture; the new law provided that henceforth at least one-tenth of that 4% had to be allocated to the endowment, infrastructure or creation of public libraries in the national network. However, a subsequent enactment (Ley 1393 de 2010, regarding health funding) removed this element (Mincultura 2010b) – a reminder that even spelling out a funding mechanism in legislation does not mean that it is immune from subsequent manoeuvres against it.

also attracts private financing by providing a 100% tax deduction for donations to public libraries.[474] Under the Law of Public Performances the same deduction is given to persons who have constructed a performance venue for the income they earn from it, while a tax is applied to ticket sales and the earnings of foreign performers, with proceeds directed by the Culture Ministry to municipalities for investment in cultural venues.[475] More recently the Law of Cinema created the Colombia Film Fund, again with due provision for its financing.[476] However, the LLN was not given any such funding mechanism, despite the quantity and diversity of actions that it authorises. This lack of specificity regarding financing also contrasts with the Mexican legislation establishing INALI, which has a guaranteed funding source. As suggested in the previous chapter, the absence of any financial figures in the LLN, whether regarding minimum expenditures or guaranteed allocations, appears to have facilitated its swift transit through Congress – but at the cost of its sustainability and certainty as a legislative program.

The Culture Ministry's minimal implementation of its own legislation, and non-compliance with the clear deadlines contained therein, may have been less likely had the law contained some sort of monitoring mechanism. Once again its sibling statute, the Public Libraries Law, serves as a contrast: it identifies the bodies that must monitor adequate compliance with and development of the law's terms.[477]

COMPLICATIONS OF STATALISED MULTICULTURALISM

It has already been seen how the bill that became the LLN, given that it dealt with Colombia's ethnic groups, was supposed to have gone through the requisite process of consultation before being tabled in Congress, and this deficiency was almost its undoing. There are other ways in which the multicultural structures and procedures may have had an impact upon how the PPDE and LLN have fared to date, and how they are likely to proceed in the future.

[474] Ley 1379 de 2010 art. 40.

[475] Ley 1493 de 2011.

[476] Ley 1556 de 2012.

[477] Ley 1379 de 2010 art 46.

As depicted by Garavito (2011), in Colombia the negotiations and other interactions between ethnic group representatives and state institutions are increasingly marked by a focus on the procedural aspects governing those interactions, rather than on the substance of the outcomes. To an extent the fracas regarding prior consultation of the LLN was indicative of that tendency – no interlocutor from the ethnic organisations suggested that the content of the law was not suitable, but a number of them were very vocal about the proper procedure not having been followed. It may not be far-fetched to view such an emphasis on procedure as risking the crystallisation of consulting mechanisms in which consideration of policy outcomes is outweighed by a tendency just to "tick the boxes".

The approach taken by the Division of Populations towards the implementation of the LLN may reflect an implicit understanding of how that propensity dominates ethnic-state relations. For example, the regulating decree for the Advisory Council sets out its composition (in terms of those members drawn from the NL-speaking communities) as: two Palenqueros; two Raizales; two Roma; and four indigenous delegates. This means that there are three languages that have a pair of representatives each, while the remaining 65 languages have only four councillors between them. Those 65 indigenous languages also represent a large total population, around twenty times the size of those other three groups combined, scattered all around the country, with extreme diversity in linguistic, sociolinguistic, cultural and socioeconomic terms. This distribution of Council positions reflects the standard operating procedures for state-ethnic group relations, rather than being based upon any consideration of what would deliver the best outcomes for the vitality of the NLs. It is therefore quite unlikely to be the best outcome from the perspective of LRJ. The selection of the individual members also reflects multicultural political realities, as all are chosen by the peak political bodies for the ethnicity concerned. For example, the four indigenous members come from the four national indigenous organisations with which state agencies consult.[478]

However, as we have seen, Colombia is a country with an extraordinary collection of contextual complications, throwing up numerous other priorities that will be accepted as more crucial by even the most committed cultural activist. There may simply be no other way of achieving results than some variation of the basic approach taken by the Division of Populations – state bureaucratic structures, the new para-bureaucratic structures of ethnic

[478] Decreto 1003 de 2012 art. 3

organisations, and the procedure-governed consultation spaces in which they come together establish the fundamentals of the operating environment.

Against the backdrop of those realities, the requirement that all ethnic representatives on the Advisory Council speak or possess knowledge of their ancestral language can be seen as something of a safeguarding measure that ensures that the Councillors reach conclusions that really are in the best interests of the NLs. As previously indicated, the bureaucratisation of indigenous organisations, along with the channelling of their work into very structured, legalised, procedure-ridden channels, has encouraged the rise of a new generation of urbanised, educated and Hispanophone indigenous leaders who are quite distinct from the cultural intellectuals who are behind most language-related work (not to mention distinct from the majority of ordinary community members). The existence of the language knowledge prerequisite increases the chance that the ethnic Councillors bridge these two sectors, and bring cultural commitment to the table along with the political acumen and realpolitik negotiation skills that are part and parcel of their experience within the organisations.

FROM THE PERMITTED INDIAN TO THE PROHIBITED EXPERT?

Both Landaburu and Roldán are white experts whose career trajectories have entailed constant interaction with indigenous communities and organisations, and as such they fall within a category of outside collaborators on pro-indigenous causes considered by authors such as Rappaport (2005). In some respects they are the heirs to an earlier generation of experts such as Gregorio Hernández de Alba, who steered state and academic institutions into undertaking actions framed as favouring indigenous interests – but with those interests determined by the non-indigenous experts in a way that typified the *indigenista* approach dominant from the 1930s to 1960s (Troyan 2007; Troyan 2008). However, despite moving beyond the paternalism of their predecessors and expressly articulating their role as one of aiding indigenous communities in the fulfilment of community-made plans, these white collaborators remain vulnerable to criticism if they are seen to be making decisions on behalf of indigenous communities or other ethnic minorities, or to be appropriating or otherwise profiting from their cultures. This can be the case even with individuals who join in struggles for indigenous rights, but linguists and anthropologists are particularly liable to being accused of stealing indigenous knowledge and exploiting informants for their own professional or

pecuniary gain, as noted in Chapter 4 (Matras 2005; Debenport 2010; Aguilera & Le Compte 2008; Warner 1999).

I am unable to conclude whether or not the non-ethnic status of Landaburu, Roldán and others involved in the PPDE and LLN processes ended up being detrimental to the continuity of that policy package. There is perhaps more evidence to suggest that it was a result of resources being limited and the attention of decision makers being directed to what they would judge to be higher priorities. Nonetheless, it is likely that the precise role that white expert collaborators can play in endeavours relating to indigenous culture, including actions oriented to LRJ, will remain a complicated issue going forward. It seems that the leaders, or at least the strongest advocating voices, would need to be indigenous themselves; and of course, the emphasis on grassroots ownership means that micro-level LRJ actors are primarily indigenous. Nonetheless, with respect to LRJ work regarding many indigenous languages, many of the specialist roles (at various levels) may have to be filled by non-indigenous individuals in the short- to medium-term. Even if there is a strong and serious rolling out of training programs, it would take a number of years, in some cases even a few decades, for all linguistic professional positions to be filled by community members, or at least by indigenous persons from other communities. The sociolinguistic conditions of many indigenous languages are now so vulnerable that if a community waits until its own people are fully qualified for LRJ labours before it commences such programs, it may already be too late. Rather, there is a need to have "all hands on deck" to document declining linguistic forms, record the conversations of elders and shore up linguistic vitality until the stage of community self-sustainability is reached.

Such short- to medium-term reliance on non-indigenous linguists and educational professionals need not be seen as a threatening a continuation of the long history of state imposition upon native communities. As noted in Chapter 4, for a number of years now there has been high awareness within the linguist and anthropologist communities of the many ethical issues to keep in mind when working with indigenous communities, and that consciousness is often reinforced by the rules issued by universities, research institutions, discipline/profession associations, and government agencies. There is also the fact that indigenous agency can no longer be denied. Indigenous community organisations will insist that researchers and other outside workers comply with terms of engagement that limit what

they can do during the collaboration process and how they treat the results afterwards.[479] There is a strong awareness of, and a way of dealing with, issues regarding appropriation of cultural knowledge, return of results to the communities, community control, respect for confidentiality, respect for religious practices, and other ethical concerns.

THE PRESSURE OF COMPETING PRIORITIES

There are several dimensions in which the outcome of the PPDE and LLN processes reflects the impact of competing sets of priorities.

The first is in terms of national priorities, and particularly priorities for the less advantaged sectors of the population in which most members of Colombia's ethnic groups are found. Those are the sectors most afflicted by the violences of the armed conflict, including the increasing number of environmental conflicts.[480] They are also most affected by the severe poverty and inequality that is statistically indicated by the Gini coefficient and many other measures, and made visible to anyone who explores the country at length. They are in the most disadvantaged sectors with respect to education and literacy, as revealed by numerous studies and reports. For example, departments with a significant presence of indigenous communities are those with the most unfavourable indicators in relation to the Millenium Development Goals (Sánchez Jiménez 2013). Further, whereas 87% of non-indigenous children aged 6-11 attend school, only 69% of indigenous children in the same age range do so (UNDP 2013).

The second is with respect to the Culture Minstry's fields of action. It has already been noted that it is the least well-funded of all the Colombian ministries, yet its remit covers the full range of cultural activities on which the state can have a bearing, for the full range of Colombia's population, and certainly not just for the country's ethnic groups. Even for the

[479] This can even extend to the situation encountered by Debenport (2010) with one group of Pueblo Indians in the US Southwest. Because of their beliefs about the sacred nature of their language, she was forbidden from publicising any grammatical analyses that identified the language she had worked on.

[480] For example, a recent report found that Colombia is second only to India in the number of ecological conflicts that are occurring, and that 58% of conflicts about environment and resource development involve ethnic communities (http://www.elespectador.com/noticias/nacional/conflictos-ambientales-se-dispararon-uribe-y-santos-articulo-485546).

small percentage of the population that is indigenous, Palenquero, Raizal or Roma, many members do not speak the NL any longer; for those who do, it is only one of many cultural aspects or issues of concern to them. The Culture Ministry also has roles to play in boosting the national income that derives from trade and tourism, and in assisting with a possible imminent transition from armed conflict to peace.

Thirdly, within the Culture Ministry, the Division of Populations has many other responsibilities to juggle. In addition to fielding the broad range of culture-related interests of the ethnic minorities, it is also allocated work in relation to the full breadth of "diversity" as the term is understood in Colombia. The Division deals with persons living with disability; youth; LGBT; displaced persons; those demobilised from armed groups; and any sectors identified as being in conditions of vulnerability. A look at that list is sufficient to demonstrate that this division will have challenges that will never need to be faced in the Divisions of Cinematography, Literature or Heritage. This indicates why it was always going to be problematic to locate the work of the PPDE in the Division of Populations, and why in an ideal bureaucratic world it would have been assigned to a dedicated unit.

LAW AND PEACE

Two final matters that have been previously discussed need to be briefly addressed to close this chapter.

The first is the unfolding situation of the peace negotiations between the Colombian government and the FARC (and probably also the ELN) guerrilla movements. There is a very real possibility that Colombia will embark upon a period of transition in which reparation will be a key theme. This will provide the opportunity for reparative justifice for cultural loss to be considered, and perhaps even the provision of LRJ. There are already small indications of a consciousness of the relevance of ethnolinguistic diversity and language rights to this process. For example, the 2011 decree on restitution for indigenous victims of the armed conflict includes a clause on rehabilitation and psychological services stating that the LLN

requires translators and interpreters to be available, and that the Ministries of Education and Culture need to coordinate their training.[481]

The omission of any requirement to provide targeted support for strengthening indigenous languages represents a lost opportunity for the furtherance of LRJ objectives. However, if there is sufficient initiative by ethnic organisations and those ministries, and if the (presumably supportive) voice of the Advisory Council can be heard, then there is scope for modification of that decree, or the introduction of additional decrees or regulations so that language-focused actions can be mandated as part of the reparations to victims. The peace arrangements could then be a driver for enforcement of parts of the LLN and thereby maybe even for a partial delivery of LRJ.

The other matter is the the oft-commented upon tendency in Colombia to attach an exaggerated value to the role of law and of laws – what Lemaitre (2010) aptly labelled the "fetishisation" of the law. Accompanying this is a tendency to have well-crafted laws, in full compliance with international legal requirements and with carefully identified social needs, but without ensuring a full implementation of their terms. To an extent the judiciary, led by the example of the Constitutional Court, has the ability to bring the realm of laws-on-paper into line with that of laws-in-the-real-world when it orders state entities to fulfil their obligations and respect the rights to which a citizen or group of citizens are legally entitled. Thus far the LLN does seem to fit this mould: it can be read as an aspirational statement more than a guideline for concrete policy actions. As the next chapter will note, the courts of law are institutions with potential to ensure that the LLN does have more practical manifestation, and thereby manage to provide more LRJ than it has to date.

[481] *Decreto-Ley 4633 de 2011* art. 116. The decree also says that indigenous victims have the right to use their languages in all procedures through which they seek truth, justice and reparation, with the state to use interpreters (art. 38); that disclosure of the truth is to be disseminated in their languages, and so too the results of historical research (arts. 120 and 122); and that regional centres of attention and reparation must have a specialized indigenous office with staff competent in the local languages. *Decreto-Ley 4635 de 2011*, which is directed at Afro-Colombian victims of the conflict, has similar provisions with respect to Raizales and Palenqueros.

CHAPTER 8

THE WAY FORWARD FOR LINGUISTIC REPARATIVE JUSTICE: LESSONS FROM THE COLOMBIAN EXPERIENCE

As the concluding component to this thesis, this chapter looks at how my research and analysis is able to make a contribution to the field of indigenous language policy and politics, both in Colombia and in other parts of the world. It firstly considers what further research could yield further insights regarding the recent evolution of minority language policy in Colombia. The chapter then returns to matters that the thesis was able to evaluate, and suggests what those findings imply for attempts to pursue LRJ in Colombia. Finally, it analyses how the Colombian experience could inform any move to initiate LRJ efforts in other countries where the legacy of colonialism continues to weight heavily on the cultures of indigenous peoples.

FURTHER INVESTIGATIONS OF THE COLOMBIAN LANGUAGE POLCIES

My research undertaking became so expansive, complex and multifaceted that there remained elements that I was not adequately able to investigate. Apart from having to set limits to the research for practical reasons related to time and resources, there were other limitations imposed upon me because of my status as a foreigner. While there were undoubtedly advantages in approaching this task as an outsider, there are other angles that would only be visible to the eyes of a Colombian researcher, and also some questions that could only be answered on the foundation of a profound local knowledge and a sophisticated understanding of how various systems and structures operate. For example, given the decentralisation characterising present day Colombian governance, it would be helpful to analyse what happens at departmental and municipal levels in terms of decision making, implementation and service provision with a bearing upon indigenous languages, and also to examine the sociolinguistic circumstances of indigenous communities and individuals. It would also be important to study the relationship between those jurisdictions and the indigenous traditional authorities and organisations insofar as it relates to these issues. Returning to the upper levels of the administrative hierarchy, the interactions between various state organs need to be more closely analysed, and not just those of the Education and Culture Ministries. Given that

funding questions appeared to be particularly crucial in the case of the PPDE and LLN, a researcher with expertise on the financial frameworks applying to different tiers of Colombian public institutions may be able to shed further light on how the PPDE and LLN could have fared differently.

Similarly, it was seen that ethnic group organisations had a significant impact on language policy developments. With prior consultation of affected ethic groups increasingly built in to political and legal decision making procedures in Colombia, and judicial and scholarly opinion now inclined to see prior and informed consent as a essential in those processes, it is more important than ever to analyse what factors influence the behaviours of ethnic political actors – there needs to be more study of the discourses, power dynamics, resource needs and other salient features of those organisations and their leaders.

While on the topic of Colombian ethnic groups in a broader sense, it is worth recalling that this thesis has deliberately focused on the indigenous components of that population sector. I defined LRJ as intended to address the linguistic harm inflicted on indigenous peoples during the processes of conquest and colonisation. There remains the whole question of the extent to which LRJ might be applicable to the other groups covered by the PPDE and LLN. The historic wrongs to which Afro-Colombians in general were submitted are well documented, and so it can be asked whether "Afro-reparations" (Mosquera Rosero- Labbé and Barcelos 2007) should also have a linguistic component. If so, would this only apply with respect to the languages of the Palenqueros and Raizales, so that the PPDE and LLN can be seen as appropriate approximations of LRJ for those communities to the same degree as for indigenous peoples? Or should there even be some understanding of LRJ as applicable to the loss of the original African languages that did not survive the rigours of the slave trade and slavery? In a similar vein, can the marginalisation and other injustices experienced by Roma in Colombia justify the delivery of LRJ to them, or was their inclusion in the PPDE and LLN really just a case of Colombian multicultural rhetoric taking a one-size-fits-all approach?

Some of the most important research will need to be carried out in the very ethnic communities that are the ultimate target of the PPDE and LLN. To utilise the metaphor coined by Ricento and Hornberger (1996), the upper layers of the language policy "onion" will need to be peeled away in favour of an examination of the micro-level, being the behaviour of the actors in the communities who apply the policies to their daily lives: the

ethnoeducators in the classrooms, the parents who choose what language to use with their children, the leaders who decide what de facto local language policy they will apply in their activities inside and outside ther community. For instance, it would be possible to inquire if the Sociolinguistic Autodiagnostic campaigns of 2008 and 2009 left a legacy in the communities in which they were carried out; or investigate whether or not any activists have been insisting on their rights to use their mother tongues when dealing with state agencies; or if sociolinguistic conditions have altered following greater community control of a school pursuant to SEIP.

STEPS AHEAD FOR THE NATIVE LANGUAGES LAW AND FOR LINGUISTIC REPARATIVE JUSTICE IN COLOMBIA

It cannot be said that the LLN has fallen off the policy radar completely, as it is still something to which the Culture Ministry's Division of Populations is devoting attention, and which figures in its multifaceted labours with the country's ethnic groups. However, it is clear that the way it is being implemented is less efficient and progressive than the legislation itself anticipates; less thorough and committed than the work conducted by the PPDE from 2008 to 2010; and less than what is required for it to serve as an approximation or framework for LRJ. Currently Colombia has one language policy expressed in the LLN law and in policy documents, and another one, with a much lower level of commitment, on the ground. In effect, there is an invisible language policy, and it is this second policy that determines what is spent and who benefits, and may even reverse the positive principles of the official policy to which lip service is given (Truscott and Malcolm, 2010).

It may be possible that a latter-day Miguel Antonio Caro will emerge and win the Colombian presidency, but this time with the passion for Spanish letters replaced by an enthusiasm for indigenous languages. Such a leader might drive state institutions to take on some form of LRJ as a national mission, with a full discharging of the LLN's obligations as a first step. Short of such a dramatic occurrence, it would seem that the only prospect for a stronger implementation of the LLN and a return to the bases established by the PPDE is to be found within the ethnic communities. This would require ethnic community members who are concerned about linguistic survival and revival to capture the attention of their leaders, and impress upon them the significance of the issue. Those leaders could then raise the topic of state compliance with the LLN as something to be accorded priority, and push it in

negotiations. However, bearing in mind the many competing priorities faced by Colombia's ethnic minorities, it is hard to see the language issue rising to the top of the agenda. However, the context of a post-conflict transition (should the current peace talks with FARC conclude successfully) may offer enhanced opportunities. As noted in the preceding chapter, if amendments are made to the 2011 decree regarding reparations for indigenous victims of the conflict, or if further instruments are adopted, there could be prospects for incorporating pro-language actions to redress cultural damage caused by the conflict.

One possible route to securing compliance by state institutions with the LLN's terms, and therefore the advancement of goals of LRJ, is through the court system. At some stage in the future, members of an ethnic group may lodge a petition of *tutela* alleging a breach of their language-related human rights, or a "popular action" writ seeking that a state agency is ordered to carry out its legislative obligations. The receipt of favourable judgment in such a case may only have a very limited consequence, such as a rural clinic being ordered to engage the services of an interpreter for its indigenous patients. However, it could also lead to more significant outcomes; for example, if the sentence results in an agency that provides services across the county adopting a new internal policy to ensure compliance with LLN requirements. The government of a department with a large indigenous population could be ordered to provide signage in the predominant NL, or provide audio information in an NL on its website. Further, there is always the possibility of a snowball effect, where entities in a similar position to one that has lost a court case decide to pre-empt a comparable decision against themselves by proactively adopting the same measure.

Were the Colombian courts to fail to deal with such a claim, it could end up before the Inter-American Human Rights system. As indicated in Chapter 3, that system has been marked by an expansive reading of indigenous rights, including rights to culture, along with an awareness of the value of communicating court judgments and state expressions of atonement using indigenous languages. That progressive stance may favour a finding that a Colombian state institution has breached language-related rights imposed by international covenants. In such a case, a ruling from the Inter-American Commission or Court of Human Rights would also equate to an order for compliance with the terms of the LLN that reflect the internationally imposed obligations in question. If that ruling were also to addresses the extent of state obligations to undertake actions to support indigenous communities in

maintaining or revitalising their languages, we would be witnessing the first appearance of jurisprudence in favour of LRJ, with the potential for impact on almost all of Latin America.

LESSONS FOR LINGUISTIC REPARATIVE JUSTICE IN OTHER COUNTRIES

The conceptual framework of LRJ outlined in Part A of this thesis is prima facie applicable where indigenous peoples conquered by European colonial expansion remain subordinated within states where the settler population retains dominance. As noted previously, this categorisation embraces, at a minimum, the United States, Canada, Australia, New Zealand, Brazil, and most of the Spanish-speaking countries in the Americas.[482] A broader delimitation would exten to other territories with comparable pasts and presents, such as the Saami lands.[483]

The Colombian experience offers a number of useful lessons for any other country that decides to embark upon an LRJ effort. It is clear that it is not enough to have framework legislation that lists rights and obligations unless there is detail on which bodies must discharge those obligations and in what way. Thus there will need to be specification of what has to be done, and by what deadline. There also need to be mechanisms to monitor and enforce compliance by the responsible entities – and measuring what is done, not just what is

[482] Those Hispanoamerican states include Guatemala and Bolivia, which, despite both having populations with an indigenous majority, have post-independence histories built upon the unrighted wrongs of conquest and colonisation (including cultural damage), with European descendants dominating economic and political life. Uruguay, Cuba, the Dominican Republic and Puerto Rico (this latter island being self-governing but not a sovereign state) are not generally considered to have surviving indigenous communities, although in recent times individuals and groups have reclaimed indigenous identity. If those claims are accepted, LRJ could be appropriate with respect to the extinct local languages.

[483] The Saami or Lapps – as seen in Chapter 4 – inhabit areas of northern Sweden, Finland and Norway, plus Russia's Kola Peninsula. Indeed, the circumstances of other peoples conquered by the expansions of the Tsarist empire between the 17th and 19th centuries in the Arctic, Siberia and Far East would also ground claims for delivery of LRJ by the Russian Federation. Given the minoritised position of the native Kanak communities, the French overseas territory of New Caledonia could be regarded as constituting an Australasian trio along with Australia and New Zealand. It may be difficult to determine appropriate limits for extending the applicability of LRJ with respect to indigenous peoples in other parts of the world, such as those subordinated by expansions of non-European societies, but the histories and situations of the Aboriginal groups of Taiwan (where waves of settlers came from China from the 1620s onwards) and the Ainu of Hokkaido (dominated by Japanese colonists during the 19th century) show close similarities to contexts in Australasia and the Americas.

said, with clear standards of performance, transparency and accountability. That monitoring role could be conducted by a language management institution, which in turn needs to be adequately funded. Both institutions and programs need to be secure in terms of financing, and not left vulnerable to each year's budgetary decisions. The dangers of this lack of certainty were recently seen in Australia, where the 2014 federal budget slashed AU$9.5 million over four years from language programs that had been supporting community efforts with over 200 languages (Marmion et al. 2014).

It is also clear that there needs to be a strong consensus behind LRJ efforts, with all stakeholders consulted and, as much as possible, giving their support, whether they be the leaders of a small local community or the occupants of ministerial positions. Without a core of community adherence to the principles and practices of an LRJ exercise, not only is the micro-level implementation jeopardised; there will also be a failure to affect language attitudes and other sociolinguistic factors, upon which the chances of success of LRJ depend. Without genuine support at the macro-level, combined with effective coordination and resourcing, it will not be possible to apply LRJ consistently throughout the jurisdiction or establish the bases for continuity.

BIBLIOGRAPHY[484]

ABC Radio National 2011. 'Holding our Tongues.' Program transcript and audio. http://www.abc.net.au/rn/legacy/features/holdingourtongues/transcript.htm

Académie des Langues Kanak. (ALK). Nouvelle-Calédonie. URL: <http://www.alk.gouv.nc/portal/page/portal/alk/alk/presentation>.

Adelaar, W. and P. Muysken. 2004. *The Languages of the Andes.* Cambridge: Cambridge University Press.

Agencia EFE. 2013. 'Reino Unido compensará con 23 millones de euros a los Mau Mau de Kenia'. URL: <http://www.eltiempo.com/mundo/africa/ARTICULOWEB-NEW_NOTA_INTERIOR-12849864.html>.

Aguilar Cavallo, G. 2011. 'Surgimiento de un derecho americano de los derechos humanos en América Latina.' *Revista Mexicana de Derecho Constitucional* 024: 3-89.

Aguilera, D. and M.D. LeCompte. 2008. 'Restore My Language and Treat Me Justly: Indigenous Students Rights to Their Tribal Languages.' In *Affirming students' right to their own language: bridging language policies and pedagogical practices, eds* J. Cobb Scott and D. Y. Straker and L. Katz. New York: Routledge 68-84.

Aguirre Licht, D. 2004. 'Estudios en lenguas aborígenes y etnoeducación en Colombia.' *Revista Educación y Pedagogía* 39: 29-40.

Aikhenvald, A. 2002. *Language contact in Amazonia.* Oxford: Oxford University Press.

Al Attar Ahmed, M., N. Aylwin and R. Coombe. 2009. 'Indigenous Cultural Heritage Rights in International Human Rights Law.' In *Protection of First Nations Cultural Heritage: Laws, Policy, and Reform*, eds C. Bell and R. Paterson. Vancouver: University of British Columbia Press. 311-342.

Alfred, G. 2009. 'Restitution is the real pathway to justice for indigenous peoples'. In *From truth to reconciliation – response, responsibility and renewal*, eds G. Younging, J. Dewar and M. De Gagne. Ottawa: Aboriginal Healing Foundation. 181-187.

Allen, S. 2011. 'Limits of the International Legal Project.' In *Reflections on the UN Declaration on the Rights of Indigenous Peoples,* eds S. Allen and A. Xanthaki. Oxford: Hart Publishing. 225-256.

Amnesty International. 2008a. *'Leave us in peace!' Targeting civilians in Colombia's internal armed conflict*. London: Amnesty International Secretariat.

[484] This bibliography has been formatted according to the Australian Journal of Political Science Style Guide.

Amnesty International. 2008b. ‘Colombian president should stop false accusations against human rights groups.’ URL: < https://www.amnesty.org/en/latest/news/2008/11/colombian-president-should-stop-false-accusations-against-human-rights-groups-20/ >

Amnesty International. 2009. ‘Third mass killing of Colombia's Awá Indigenous Peoples’. URL:<http://www.amnesty.org/en/news-and-updates/news/third-mass-killing-colombia-awa-indigenous-peoples-2009-20090828>. Consulted 22 November 2013.

Amparo Rodríguez, G. 2005. ‘Comunidades afrocolombianas: Introducción’. In *Comunidades Étnicas en Colombia,* eds C. Parra Dussan and G. Amparo Rodríguez. Cultura y jurisprudencia. Bogotá: Centro Editorial Universidad de Rosario. 50-53.

Anaya, S.J. 2004. *Indigenous Peoples in International Law.* New York: Oxford University Press.

Appelbaum, N.P. 2003. *Muddied waters: race, region, and local history in Colombia, 1846-1948*. Durham, NC: Duke University Press.

Arango Ochoa, R. and E. Sánchez Gutiérrez. 2004. *Los pueblos indígenas de Colombia en el umbral del nuevo milenio: población, cultura y territorio: bases para el fortalecimiento social y económico de los pueblos indígenas.* Bogotá: Departamento Nacional de Planeación.

Archivo General. 2010. ‘Patrimonio Documental Étnico Colombiano’. Archivo General de la Nación, Colombia. URL: < http://www.archivogeneral.gov.co/index.php?idcategoria=4254>. Consulted 7 March 2011.

Archivo General. 2009. ‘Proyecto de Recuperación de registros orales de lenguas amenazadas en Colombia’. URL: <http://www.archivogeneral.gov.co/index.php?idcategoria=2237>. Consulted 7 March 2011.

Ardila Arrieta, L. 2012. ‘Los indignados de San Andrés’. *El Espectador.* URL: <http://www.elespectador.com/impreso/nacional/articulo-352398-los-indignados-de-san-andres>. Consulted 10 June 2012.

Arenas, N. 2012. ‘Los 'neomuiscas', una tribu que reclama cabildo y tierras’. *El Tiempo.* URL: <http://www.eltiempo.com/colombia/boyaca/ARTICULO-WEB-NEW_NOTA_INTERIOR-11934957.html>. Consulted 23 November 2013.

Arias, J., L.Colderón, Y. Rincón Jiménez,, A.Piñacue, P. Marín Silva, K. D. Harrison and J. Fahringer. 2012. ‘About the Nasa Yuwe Talking Dictionary.’ *Nasa Yuwe Talking Dictionary*. URL: <http://talkingdictionary.swarthmore.edu/paez/about/>. Consulted 25 August 2014.

Arzoz, X. 2009. 'Language Rights as Legal Norms.' *European Public Law.* 15(4): 541-574.

Ash, A., L.D. Fermino and K. Hale. 2001. 'Diversity in Local Language Maintenance and Restoration: A Reason for Optimism.' In *The Green Book of Language Revitalization in Practice,* ed L. Hinton and K. Hale. San Diego: Academic Press. 19-35.

Asociación de Cabildos Indígenas del Norte del Cauca (ACIN). 2008. *Asociación de Cabildos Indígenas del Norte del Cauca*. URL: <http://nasaacin.org/index.htm>. Consulted 7 March 2011.

Assies, W. 2005. 'Two steps forward, one step back: Indigenous peoples and autonomies in Latin America.' In *Autonomy, self-governance and conflict resolution,* ed M. Weller and S. Wolff. London, New York: Routledge. 180-212.

Austin, P. K.and A. Simpson. 2007. *Endangered languages*. Hamburg: Helmut Buske Verlag.

Australian Government. 2009. *Indigenous languages - a national approach: the importance of Australia's indigenous languages*. Department for Families, Housing, Community Services, and Indigenous Affairs; Department for the Environment, Heritage and the Arts.

Australian Human Rights Commission. 2009. *Aboriginal & Torres Strait Islander Social Justice Report*. URL: <http://www.humanrights.gov.au/sites/default/files/>

Australian Institute of Aboriginal and Torres Strait Islander Studies. 2005. *National Indigenous languages survey report*. Canberra: Department of Communications, Information Technology and the Arts.

Avirama, J. and R. Márquez. 1994. 'The Indigenous Movement in Colombia.' In *Indigenous Peoples and Democracy in Latin America,* ed. D. Van Cott. New York: St. Martin's Press.

Azurmendi, M-J; E. Bachoc and F. Zabeleta. 2001. 'Reversing Language Shift: The Case of Basque.' In *Can Threatened Languages be Saved?* ed. J. Fishman. Clevedon, UK: Multilingual Matters. 234-259.

Bacca Benavides, P.I. 2009. 'Tiempo y espacio de las reparaciones colectivas para los pueblos indígenas víctimas de la violencia.' In *Reparaciones en Colombia: análisis y propuestas,* eds R. Uprimny Yepes, A.P. Bolivar Jaime, D.E. Guzmán Rodríguez. Bogotá: Universidad Nacional de Colombia. 169-217.

Bacca Benavides, P.I. 2010. *Los derechos indígenas en la era del reconocimiento*. Masters thesis, Faculty of Law and Political and Social Sciences: National University of Colombia.

Balfour, L. 2008. 'Act and Fact: Slavery Reparations as a Democratic Politics of Reconciliation.' In *The politics of reconciliation in multicultural societies*, eds W. Kymlicka and B Bashir.

Barkan, E. 2000. *The guilt of nations: restitution and negotiating historical injustices*. Baltimore and London: John Hopkins University Press.

Barkan, E. 2007. 'Reparation: A Moral and Political Dilemma.' In *Reparations: Interdisciplinary Inquiries*, eds J. Miller and R. Kumar. Oxford: Oxford University Press. 1-19.

Barkan, E and A. Karn. 2006. *Taking wrongs seriously: apologies and reconciliation.* Stanford, Calif: Stanford University Press.

Berche, A.S., M.G. Alejandra and A. Mantilla. 2006. 'Los derechos en nuestra propia voz: pueblos indígenas y DESC: una lectura intercultural.' *Edición Luisa María Navas*. Bogotá: ILSA.

Berdichevsky, N. 2004. *Nations, Language and Citizenship*. Jefferson, North Carolina: McFarland & Company, Inc.

Bergquist, C., R. Peñarand and G. Sánchez. 2001. *Violence in Colombia 1990-2000: Waging war and negotiating peace*. Wilmington DE: SR Books.

Bermudez, R.M. 2007. 'Al borde del multiculturalismo: Evaluación de la política lingüística del estado Mexicano en torno a sus comunidades indígenas.' *CONfines* 3(5): 59-73.

Biddle, N. and H. Swee. 2012 'The Relationship between Wellbeing and Indigenous Land, Language and Culture in Australia.' *Australian Geographer*, 43 (3): 215–32.

Birger Winsa, J. 2005. 'Language Planning in Sweden.' In *Language Planning and Policy in Europe*, eds. R.B. Kaplan and R.B Baldauf. Jr. Vol. 1. Hungary, Finland and Sweden. Clevedon UK: Multilingual Matters.

Bodnar, Y. 1990. 'Aproximación a la etnoeducación como elaboración teórica'. In *Etnoeducación. Conceptualización y ensayos*. Bogotá: Ministerio de Educación Nacional.

Bodnar, Y. 2008. *Los grupos étnicos en Colombia: demografías postergadas*. Bogotá: Universidad Externado.

Bodnar, Y. 2013. 'Estudio comparativo de la vitalidad lingüística de 14 pueblos de Colombia realizado mediante una encuesta (autodiagnóstico sociolingüístico).' *Notas de población* 97: 249-293. Santiago de Chile: Centro Latinoamericano y Caribeño de Demografía (CELADE)-División de Población de la CEPAL.

Bolaños, G. and I. Giraldo. Undated. *Grupos étnicos: Etnoeducación*. URL: http://www.etniasdecolombia.org/grupo_etnoeducacion2.asp?cid=244&did=768. Consulted 25 October 2009.

Bonilla Maldonado, D.E. 2006. *La constitución multicultural*. Bogotá: Siglo del Hombre Editores; Universidad de Los Andes – Facultad de Derecho; Pontificia Universidad Javeriana – Instituto Pensar.

Bonner, M. and M. James. 2011. 'The Three R's of Seeking Transitional Justice: Reparation, Responsibility, and Reframing in Canada and Argentina'. *The International Indigenous Policy Journal* 2(3): 1-29.

Bottigliero, I. 2004. *Redress for victims of crimes under international law*. Leiden: Martinus Nijhoff.

Bourhis, R. Y. 2001. *Reversing Language Shift in Quebec*. In *Can Threatened Languages be Saved?*, ed. Fishman, J. Clevedon, UK: Multilingual Matters.

Boxill, B.R. 2003. 'A Lockean argument for black reparations'. *The Journal of Ethics* 7: 63–91.

Bradford, W. 2002. 'With a Very Great Blame on Our Hearts: Reparations, Reconciliation, and an American Indian Plea for Peace with Justice'. *American Indian Law Review* 27: 1-76.

Bradford, William. 2005. 'Beyond Reparations: An American Indian Theory of Justice.' *Ohio State Law Journa*l 66: 1-110.

Bradley, D. 2002. 'Language Attitides: the key factor in language maintenance.' In *Language Endangerment and Language Maintenance* eds. D. Bradley and M. Bradley. London: Routledge Curzon.

Bravo, M. E. 2009. 'Políticas Culturales en Colombia.' In *Políticas Culturales en Ibero-América*, eds. A. A. Canelas Rubim and R. Bayardo. Medellín: Universidad Nacional.

Brenzinger, M. 2007. *Language diversity endangered. Berlin.* New York: Mouton de Gruyter.

Bres, J. 2011. 'Promoting the Māori language to non-Māori: evaluating the New Zealand government's approach.' *Language Policy* 10(4): 361-376.

Bronson, Matthew C. 2002. 'Rekindling the Flutes of Fire: Why Indigenous Languages Matter to Humanity.' *ReVision*, 25(2): 5-11

Brooks R.L. 1999. *When Sorry Isn't Enough: The Controversy over Apologies for Human Injustice.* New York: New York University Press.

Brooks, R. 2003. ‘Reflections on Reparation’. *In Politics and the Past: On Repairing Historical Injustices*, ed. J. Torpey. Lanham, MD: Rowman and Littlefield Publishers. 103-114.

Brooks, R. 2004. *Atonement and forgiveness: a new model for black reparations*, Los Angeles: University of California Press.

Brooks, R. 2004. ‘Getting reparations for slavery right - a response to Posner and Vermule.*’ Notre Dame Law Review* 80(1): 251-265.

Brophy, A.L. 2006. *Reparations: Pro & Con*. Oxford: Oxford University Press.

Brown, M.F. 2003. *Who owns native culture?* Cambridge, Mass; London: Harvard University Press.

Bruns, B. and J. Luque. 2014. *Great Teachers: How to Raise Student Learning in Latin America and the Caribbean*. Washington: World Bank.

Brysk, A. 2000. *From tribal village to global village: Indian rights and international relations in Latin America.* Stanford CA: Stanford University Press

Burger, J. 2009. ‘Making the Declaration work for human rights in the UN system.’ In *Making the Declaration Work. The United Nations Declaration on the Rights of Indigenous Peoples*, eds. C. Charters and R. Stavenhagen. Copenhagen: IWGIA.

Bushnell, D. 1993. *The making of modern Colombia: A nation in spite of itself.* Berkeley and Los Angeles: University of California Press.

Buszard-Welcher, L. 2001. ‘Can The Web Help Save My Language?’ In *The Green Book of Language Revitalization in Practice*, eds. Hinton, Leanne, and Ken Hale. San Diego: Academic Press.

Buti, A. 2008. ‘Reparations, Justice Theories and Stolen Generations.’ *University of Western Australia Law Review* 34: 168-189.

Butt, D. 2012. ‘Repairing Historical Wrongs and the End of Empire.’ *Social and Legal Studies* 21(2): 227-242.

Cairns, A. 2003. ‘Coming to Terms with the Past.’ In *Politics and the Past: On Repairing Historical Injustices*, ed. J. Torpey. Lanham, MD: Rowman & Littlefield Publishers. 63-90.

Calvet, J. 2006. *Towards an ecology of world languages.* Cambridge: Polity.

Calvet, L.J. 1998. *Guerre des langues et les politiques linguistiques*. English: *Language wars and linguistic politics / Louis-Jean Calvet*; translated by Michel Petheram. Oxford; New York: Oxford University Press.

Calvo Población, G. F. and W. García Bravo. 2013. 'Revisión crítica de la etnoeducación en Colombia.' *Historia de la educación: Revista interuniversitaria* 32: 343-360.

Campbell, L., and V.M. Grondona (eds). 2012. *The indigenous languages of South America: a comprehensive guide*. Berlin: Walter de Gruyter.

Castellino, J., and N. Walsh. 2005. *International Law and Indigenous Peoples*. Leiden; Boston: M. Nijhoff Publishers.

Castillo, L. C. 2007. *Etnicidad y nación: el desafío de la diversidad en Colombia*. Cali: Programa Editorial Universidad del Valle.

Castle, S. 2013. 'Caribbean Nations to Seek Reparations, Putting Price on Damage of Slavery.' *New York Times*. URL: <http://www.nytimes.com/2013/10/21/>. Consulted 21 October 2013.

Cavallaro, J. L. and E.J. Schaffer, '2004. Less as More: Rethinking Supranational Litigation of Economic and Social Rights in the Americas.' *Hastings Law Journal* 56 (2): 217-282.

CCJ [Comisión Colombiana de Juristas]. 2010. *Situación de derechos humanos y derecho humanitario en Colombia 2008 – 2009*. URL: <http://www.coljuristas.org/documentos/libros_e_informes/inf_2010_n3.pdf>

CECOIN. 2008. *La tierra contra la muerte: conflictos territoriales de los pueblos indígenas en Colombia*. Bogotá: Observatorio Indígena de Políticas Públicas de Desarrollo y Derechos Étnicos.

Cenoz, J., D. Gorter and S.Niemeier. 2009. *Multilingualism and minority languages: achievements and challenges in education.* Amsterdam; Philadelphia: John Benjamins.

CERD (UN Committee on the Elimination of Racial Discrimination). 1997. *General Recommendation XXIII*: Indigenous Peoples.

CESCR (UN Committee on Economic, Social and Cultural Rights). 1990. *General Comment 3: The nature of States parties obligations*. (Art. 2, para. 1 of the Covenant).

CESCR (UN Committee on Economic, Social and Cultural Rights). 1999. *General Comment 13 on the right to education* (Article 13 of the Covenant). E/C. 12/1999/10, 2 December 1999.

CESCR (UN Committee on Economic, Social and Cultural Rights). 2009a. *General comment No. 20: Non-discrimination in economic, social and cultural rights* (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights), 2 July 2009, E/C.12/GC/20.

CESCR (UN Committee on Economic, Social and Cultural Rights). 2009b. *General comment no. 21, Right of everyone to take part in cultural life* (art. 15, para. 1a of the Covenant on Economic, Social and Cultural Rights), 21 December 2009, E/C.12/GC/21.

Charter, D. 2013. 'Death of a language: last ever speaker of Livonian passes away aged 103'. *The Times*.
URL: <http://www.thetimes.co.uk/tto/news/world/europe/article3782596.ece>.
Consulted 5 June 2013.

Charters, C. 2008. 'Reparations for indigenous peoples: Global international instruments and institutions.' In *Reparations for Indigenous Peoples: International and comparative perspectives*, ed. F. Lenzerini. Oxford: Oxford University Press.

Charters, C. 2009. 'The legitimacy of the UN Declaration on the Rights of Indigenous Peoples.' In *Making the Declaration Work. The United Nations Declaration on the Rights of Indigenous Peoples*, eds. C. Charters and R. Stavenhagen. Copenhagen: IWGIA.

Chaves, M. (2011). 'Presentación.' In *La multiculturalidad estatalizada. Indígenas, afrodescendientes y configuraciones de Estado,* ed. M. Chaves. Bogotá: ICANH. 9-24.

Chaves, M. and M. Zambrano. 2006. 'From blanqueamiento to reindigenización: Paradoxes of mestizaje and multiculturalism in contemporary Colombia.' *Revista Europea de Estudios Latinoamericanos y del Caribe*. 5-23.

Clavero, B. 2008. *Genocide Or Ethnocide, 1933-2007. How to Make, Unmake, and Remake Law with Words.* Milano: Giuffrè Editore.

Clearly, E.L., and T.J. Steigenga. 2004. *Resurgent Voices in Latin America: Indigenous Peoples, Political Mobilization, and Religious Change.* New Brunswick, N.J.: Rutgers University Press.

Collingwood-Whittick, S. 2012. 'Australia's Northern Territory Intervention and indigenous rights on language, education and culture: an ethnocidal solution to Aboriginal dysfunction.' In *Indigenous Rights in the age of the UN Declaration,* ed. E. Pulitano. Cambridge: Cambridge University Press.

Colon-Rios, J. 2011. 'Law, language and Latin American constitutions.' *Victoria University of Wellington Law Review* 42(2): 367-386.

Committee on the Rights of the Child. 2009. *General Comment No. 11 Indigenous children and their rights under the Convention.*

Commonwealth Ombudsman. 2011. *Talking in language: Indigenous language interpreters and government communication*. Australian Commonwealth Ombudsman.'

URL: <http://www.ombudsman.gov.au/files/Talking_in_Language-Indigenous_Interpreters_REPORT-05-2011.pdf>. Consulted May 2012.

Consejo Nacional Indígena de Paz (CONIP). 2006. *Indigenous peoples face grave humanitarian and human rights crisis*. Bogotá: CONIP.

Cooper-Stephenson, K. 2003. 'Theoretical Underpinnings for Reparations: A Constitutional Tort Perspective.' *Windsor Yearbook of Access to Justice* 22: 3-21.

Correa, C. 2013. *Reparations in Peru: From Recommendations to Implementation*. New York: International Center for Transitional Justice. URL: <http://ictj.org/sites/default/files/ICTJ_Report_Peru_Reparations_2013.pdf>. Consulted 11 December 2013.

Correa, F., Pineda Camacho, R., Franco García, R., Echeverri, J.A., Hurtado, L.M., Uruburu, S., Puyana Mutis, A.M., Mejía Alfonso, S.L., Tobón Ocampo, M.A., and Restrepo González. J. 2012. *Hacia un CONPES INDÍGENA amazónico: Construyendo una política pública integral para los pueblos indígenas de la Amazonia colombiana*. Leticia, Colombia: Instituto Amazónico de Investigaciones (IMANI).

Crowley, T. 2007. *Field linguistics: A beginner's guide*. Oxford and New York: Oxford University Press.

Crystal, D. 2000. *Language death.* Cambridge: Cambridge University Press.

Cuesta Moreno, O. J., A.Gómez Melo, and G. Cárdenas Pinto. 2013. 'Cosmovisión en producción radiofónica de emisoras indígenas. Estudio de cuatro casos en Colombia.' *F@ro* 1 (17): 19-37.

Cunneen, C. 2005. 'Colonialism and Historical Injustice: Reparations for Indigenous Peoples.' *Social Semiotics* 15(1): 59-80.

Cunneen, C. 2008. 'State Crime, the Colonial Question and Indigenous Peoples.' In *Supernational Criminology: Towards a Criminology of International Crimes*, eds. A. Smuelers & R. Haveman. Antwerp; Oxford: Intersentia.

Dalby, A. 2002. *Language in danger: the loss of linguistic diversity and the threat to our future*. New York: Columbia University Press.

DANE. 2007. *Colombia una nación multicultural: Su diversidad étnica*. URL: <http://www.dane.gov.co/files/censo2005/etnia/sys/colombia_nacion.pdf>. Consulted 12 August 2013.

DANE. 2010. *La visibilidad estadística de los grupos étnicos colombianos*. URL: http://www.dane.gov.co/files/censo2005/etnia/sys/visibilidad_estadistica_etnicos.pdf.>. Consulted 18 October 2013

DANE. 2013. *Indicadores. Población de Colombia hoy*. URL: http://www.dane.gov.co/.> Consulted 13 October 2013.

Davis, W. 2009. *The Wayfinders: why ancient wisdom matters in the modern world.* Toronto. House of Anansi Press Inc.

de Alba, L.A. 2009. 'The Human Rights Council's Adoption of The United Nations Declaration on the Rights of Indigenous Peoples.' In *Making the Declaration Work. The United Nations Declaration on the Rights of Indigenous Peoples*, eds. C. Charters and R. Stavenhagen. Copenhagen: IWGIA.

de Bres, J. 2011. 'Promoting the Māori language to non-Māori: evaluating the New Zealand government's approach.' *Language Policy* 10(4): 361-376.

de Greiff, P. 2006. 'Justice and Reparations'. In *The Handbook of Reparations*, ed. P. de Greiff. Oxford: Oxford University Press.

de la Cruz, P. 2014. Del contacto al aislamiento: la resistencia de los pueblos indígenas aislados Yuri y Passe en el proceso de poblamiento de la amazonia colombiana. *Sociedad y Ambiente* 08/2014; 1(4): 76-85.

de Mejia, A.M and M.E. Montes Rodriguez. 2008. 'Points of Contact or Separate Paths: A Vision of Bilingual Education in Colombia.' In *Forging Multilingual Spaces: Integrated Perspectives on Majority and Minority Bilingual Education*, eds. A.M. de Mejia, C. Helot. Bristol: Multilingual Matters.

de Mejia, M. 2005. 'Bilingual Education in Colombia: Towards an integrated perspective.' In de Mejia, M. (ed), *Bilingual Education in South America*. Clevedon UK: Multilingual Matters. 48-64.

de Varennes, F. 1996. *Language, minorities and human rights*. The Hague; Boston: Kluwer Law International.

de Varennes, F. 2007. 'Linguistic Rights as an Integral Part of Human Rights – A Legal Perspective.' In *Democracy and Human Rights in Multicultural Societies*, eds. K. Matthias and P. Guchteneire. Aldershot, UK: Ashgate Publishing. 115–125

Debenport, E. 2010. 'Comparative accounts of linguistic fieldwork as ethical exercises.' *International Journal of the Sociology of Language* 206: 227–244.

Díaz Montenegro, E. 2012. 'Una mirada a las contradicciones de la revitalización lingüística en el Cauca.' *Tabula Rasa*, 17: 219-244.

Dion, M.L. and C. Russler. 2008. Eradication Efforts, the State, Displacement and Poverty: Explaining Coca Cultivation in Colombia during Plan Colombia. *Journal of Latin American Studies*, 40(3): 399-421.

Dixon, R.M.W. 1997. *The rise and fall of languages.* Cambridge: Cambridge University Press.

DNP (Departamento Nacional de Planeación). 1997. *Los pueblos indígenas de Colombia 1997: Desarrollo y territorio.* Bogotá: TM Editores, Departamento Nacional de Planeación.

Donders, Y. 2008. 'The legal framework of the right to take part in cultural life.' In *Human rights in education, science, and culture: legal developments and challenges,* eds. Y. Donders and V. Volodins. Aldershot, UK; Burlington, VT: Ashgate Publishing; Paris: UNESCO.

Dorian, N. 2010. 'The private and the public in documentation and revitalization.' In: *New Perspectives on Endangered Languages: Bridging gaps between sociolinguistics, documentation and language revitalization,* eds. F. Farfán, J. Antonio and F. F. Ramallo. Amsterdam; Philadelphia: John Benjamins Publishing Company.

Du Plessis, M. 2007. 'Reparations and international law: how are reparations to be determined (past wrong or current effects), against whom, and what form should they take?' In *Repairing the Past?: International perspectives on reparations for gross human rights abuses,* eds. M. du Plessis and S. Peté, Antwerp; Oxford: Intersentia.

Duchêne, A., and M. Heller. 2007. *Discourses of Endangerment: ideology and interest in the defence of languages.*

Duchêne, A. 2008. *Ideologies across Nations. The Construction of Linguistic Minorities at the United Nations*. Berlin; New York: Mouton de Gruyter.

Dussias, A.M. 2008. 'Indigenous Languages under Siege: The Native American Experience.' *Intercultural Human Rights Law Review* 3: 5-73.

Dwyer, A. 2010. 'Models of successful collaboration.' In *Language Documentation: Practice and values,* eds. L.A. Grenoble, and N. Louanna Furbee. Amsterdam: John Benjamins. 193-212.

Edwards, J. 2010. *Minority Languages and Group Identity: Cases and Categories*. Amsterdam; Philadelphia: John Benjamins Publishing Company.

Edwards, J. 2012. 'Language management agencies.' In *The Cambridge Handbook of Language Policy.* ed. B. Spolsky. Cambridge University Press. 418-436.

Edwards, S. E. and M. Heinrich. 2006. 'Redressing cultural erosion and ecological decline in a far North Queensland aboriginal community (Australia): the Aurukun ethnobiology database project.' *Environment, Development and Sustainability* 8: 569-583.

El País. 2012. ‘Conozca las implicaciones de la Ley de Espectáculos.’ *El País*. URL: <http://www.elpais.com.co/elpais/calibuenanota/cultura/noticias/conozca-implicaciones-ley-espectaculos>. Consulted 25 July 2014.

Enciso Patiño, P. 2004. *Estado del Arte de la Etnoeducación en Colombia.* Bogotá: Ministerio de Educación Nacional.

Engle, K. 2010. *The elusive promise of indigenous development: rights, culture, strategy.* Durham: Duke University Press.

Escobar, A. 2008. *Territories of Difference. Place, Movements, Life, Redes.* Durham: Duke University Press.

Estupiñán, J.P. 2006. ‘Afrocolombianos y el Censo 2005: Elementos preliminares para el análisis del proceso censal con la población afrocolombiana. Revista de la información básica. 1(1).’
URL: <http://www.dane.gov.co/revista_ib/html_r1/articulo7_r1.htm>. Consulted 29 Nov 2010.

Evans, C. 2012. *The Right to Reparation in International Law for Victims of Armed Conflict.* Cambridge: Cambridge University Press.

Fabre, C. 2007. *Justice in a Changing World.* Cambridge: Polity.

Fay, D. and D. James. 2009. ‘Restoring What Was Ours: An Introduction.’ In *The Rights and Wrongs of Land Restitution: 'Restoring What Was Ours'*, eds. D. Fay and D. James, Abingdon UK: Routledge Cavendish.

Fernández Silva Wuliana, A. J. 2005. ‘Derechos lingüísticos y protección de los idiomas indígenas en Venezuela’. In *Identidad lingüística de los pueblos indígenas de la región andina,* ed. A. Kowii. Quito: Universidad Andina Simón Bolívar, Ediciones Abya-Yala, Instituto Italo-Latino Americano.

Fernández Varas, D. 2013. ‘Faire appel à une mémoire mhuysqa?’, *Emulations - Revue de sciences sociales*, 11: 83-96.

First Peoples’ Cultural Council. 2013. *Language Program*.
URL: <http://www.fpcc.ca/language/>. Consulted 19 November 2013.

Fishman, J. A. 1991. *Reversing language shift: theoretical and empirical foundations of assistance to threatened languages*. Clevedon, UK: Multilingual Matters.

Fishman, J.A. (ed). 2001. *Can threatened languages be saved? Reversing language shift, revisited: a 21st century perspective*. Clevedon, UK: Multilingual Matters.

Fishman, J. A. 2006. ‘Language Policy and Language Shift.’ In *An Introduction to Language Policy: Theory and Method*, ed.T. Ricento. Oxford: Blackwell Publishing.

Forbes, O. 1999. 'Algunos resultados intangibles de la investigación en bilingüismo en San Andrés y Providencia.' *In Perspectivas recientes del bilingüismo y de la eduación bilingüe en Colombia*, eds. A.M. de Mejia and L.T. Cali, Colombia: Universidad del Valle.

Francioni, F. 2008. 'Reparations for Indigenous Peoples: Is International Law Ready to Ensure Redress for Historical Injustices?' In *Reparations for Indigenous Peoples: International and comparative perspective*, ed. E.F. Lenzerini. Oxford: Oxford University Press.

Francioni, F., and M. Scheinin. 2008. *Cultural human rights*. Leiden; Boston: Martinus Nijhoff Publishers.

Franco García, R. (2012) *Cariba malo: episodios de resistencia de un pueblo indígena aislado del Amazonas*. Documentos Históricos del Imani, 2. Universidad Nacional de Colombia, Sede Amazonia, Leticia. URL: <http://www.bdigital.unal.edu.co/6140/3/9789587611618.pdf>. Consulted 20 August 2014.

Freedom House. 2011. *Countries at the Crossroads 2011 – Colombia*. Available at URL: <http://www.refworld.org/docid/4ecba650c.html>

French, J.H. 2009. 'Ethnoracial Land Restitution: Finding Indians and Fugitive Slave Descendants in the Brazilian Northeast.' In *The Rights and Wrongs of Land Restitution: 'Restoring What Was Ours'*, eds. D. Fay and D. James. Abingdon UK: Routledge Cavendish.

Furbee, N. L. 2010. 'Theory and practice.' In *Language Documentation: Practice and values.* eds. L.A. Grenoble and N. L. Furbee. Amsterdam: John Benjamins. 3-24.

Gafner-Rojas, C.M. 2008. 'La diversidad lingüística en Colombia - Protección jurídica de las lenguas indígenas.' *Pensamiento Jurídico* 22: 253-258.

Gafner-Rojas, C.M. 2012. *Der Schutz indigener Sprachen im Völkerrecht und in der kolumbianischen Rechtsordnung*. Dissertation Nr. 4014, University of St. Gallen, Oberhänsli Satz & Druck, Winterthur. URL: <http://verdi.unisg.ch/www/edis.nsf/SysLkpByIdentifier/4014/$FILE/dis4014.pdf> . Consulted 2 February 2013.

Gamboa Martínez, J., A. Gómez, and V. Gómez. 2005. *Tras el rastro de Melquiades: memoria y resistencia de los Rom de Colombia.* Bogotá: PROROM (Proceso Organizativo del Pueblo Rom (Gitano) de Colombia).

Ganesh, N. 2010. *Social freedom in a multicultural state: towards a theory of intercultural justice.* Palgrave Macmillan: New York.

Garcia-Bravo, W. 2009. *Cultural diversity, multiculturalism and new paradigms in public education in Colombia.* PhD Dissertation, Concordia University.

García, O. 2006. *Language loyalty, continuity and change: Joshua A. Fishman's contributions to international sociolinguistics.* Clevedon: Multilingual Matters.

García, O. 2012. 'Ethnic identity and language policy.' In *The Cambridge handbook of language policy*. ed. B.Spolsky. Cambridge: Cambridge University Press. 79-99.

García León, J. and D. García León. 2012. 'Políticas lingüísticas en Colombia: tensiones entre políticas para lenguas mayoritarias y lenguas minoritarias.' *Boletín de Filología* 47(2): 47-70.

Gerdts, D.B. 2010. 'Beyond expertise: The role of the linguist in language revitalization programs.' In *Language Documentation: Practice and values* eds. L.A. Grenoble and N. L. Furbee. Amsterdam: John Benjamins. 173-192.

Giraldo, M. 1998. 'Departamento Nacional de Planeación. Los pueblos indígenas de Colombia 1997.' *Desarrollo y territorio*. Bogotá: TM Editores; Departamento Nacional de Planeación.

Girón, J.M. and A. Duque. 2001. *Cultura y lenguas nativas en Colombia. Bogotá*: UNAD, Facultad de Ciencias Sociales, Humanas y Educativas.

Glenn, C. L. 2011. *American Indian/First Nations schooling: from the colonial period to the present.* New York: Palgrave Macmillan.

Gobernación de Antioquia, Gerencia Indígena. 2004. *Política pública departamental de reconocimiento y respeto de los derechos de los pueblos indígenas del departamento de Antioquia: diagnóstico general.* Medellín: Gobernación de Antioquia, Gerencia Indígena.

Göcke, K. 2010. 'The Case of Ángela Poma Poma v. Perú before the Human Rights Committee'. *Max Planck Yearbook of United Nations Law* 14: 337-370.

Golumbia, D. 2010. 'Representing minority languages and cultures on the World Wide Web.' In *Language Documentation: Practice and values.* eds. L.A. Grenoble and N. L. Furbee. Amsterdam: John Benjamins. 159-170.

Gonzales Castaño, G. 2012 '¿Quién necesita una lengua? Política y planificación lingüística en el departamento del Cauca.' *Tabula Rasa*. 17: 195-218.

González de Pérez, M.S. 2008. 'Introducción a las lenguas gitanas. Instituto Caro y Cuervo' URL:<http://lenguasdecolombia.gov.co/index.php?option=com_content&view=article&id=12:intrleng&catid=11:pornuleng&Itemid=57>. Consulted 12 July 2009.

González de Pérez, M. S. 2009. *Bosquejo Histórico de los Estudios sobre Lenguas Indígenas y Criollas en el Instituto Caro y Cuervo.*

González Garzón, M. V. 2013. *Autodiagnósticos sociolingüísticos y nuevos caminos en la revitalización de las lenguas minorizadas. Mirada retrospectiva desde la experiencia propia*. Thesis for Masters in Linguistics. Universidad Nacional de Colombia, Bogotá.

Gonzalo Aguilar Cavallo. 2011. 'Surgimiento de un derecho americano de los derechos humanos en América Latina.' *Revista Mexicana de Derecho Constitucional* 24: 3-89.

Gorter, D. and J. Cenoz. 2012. 'Legal Rights of linguistic minorities in the European Union.' In *Oxford Handbook of Language and Law*, eds. P. Tiersma and L. Solan. Oxford: Oxford University Press.

Gorter, D. & J. Cenoz. 2012. 'Legal Rights of linguistic minorities in the European Union.' In *Oxford Handbook of Language and Law*, eds. P. Tiersma and L. Solan. Oxford: Oxford University Press.

Gorter, D. 2001. 'A Frisian Update of Reversing Language Shift.' In *Can Threatened Languages Be Saved? Reversing Language Shift, Revisited: A 21st Century Perspective,* ed. Joshua A. Fishman.Clevedon: Multilingual Matters.

Gow, D. D. and J. Rappaport. 2003. 'The Indigenous Public Voice: The Multiple Idioms of Modernity in Native Cauca.' In *Indigenous Movements, Self-Representation, and the State in Latin America*, eds. K.B Warren and J. E. Jackson.University of Texas Press, Texas.

Green Stocel Manipiniktikinya, A. and J. Houghton. 2000. 'Políticas linguísticas en Colombia. Esbozo de una problemática.' In *As línguas amazonicas hoje - Las lenguas amazónicas hoy - Les langues d'Amazonie aujord'hui - The Amazonian languages today*, eds. F. Queixalós and O. Renault-Lescure. Sao Paulo: Instituto Socioambiental, Museo Paraense Emilio Goeldi. 211-228.

Grenoble, L. and L. Whaley. 2006. *Saving Languages: An Introduction to Language Revitalization.* Cambridge: Cambridge University Press.

Greymorning, S. 2004. *A will to survive: indigenous essays on the politics of culture, language, and identity.* Boston, Mass: London: McGraw-Hill.

Gröll, I. 2009. 'Las lenguas amerindias y criollas en Colombia. Desarrollos político-lingüísticos en el marco de la constitución política de 1991' In *Las lenguas autóctonas en Colombia: consideraciones alrededor de su legitimación en la constitución de 1991*, eds. I. Gröll, I., D.A. Aguirre Licht, R. Pappenheim Murcia, and M.E. Montes Rodriguez. Bogotá: Ediciones Uniandes. 13-116.

Guarnizo, J. 2014. '¡La Guajira S.O.S!' *Semana*. URL: <http://www.semana.com/nacion/articulo/los-ninos-de-la-guajira-mueren-de-hambre/396290-3>. Consulted 15 August 2014.

Hamel. R. 1994a. 'Indigenous education in Latin America: policies in Latin America: policies and legal frameworks.' In *Linguistic human rights: Overcoming linguistic discrimination,* eds.T. Skutnabb-Kangas and R. Phillipson. Berlin, New York: Mouton de Gruyter.

Hamel, R. 1994b. 'Linguistic rights for Amerindian peoples in Latin America.' In *Linguistic human rights: Overcoming linguistic discrimination,* eds. T. Skutnabb-Kangas and R. Phillipson. Berlin, New York: Mouton de Gruyter.

Hamel, R.E. 2013. *Language Policy and Ideology in Latin America. The Oxford Handbook of Sociolinguistics.* New York: Oxford University Press.

Harding, C. 1996. *Colombia: A guide to the people, politics and culture.* London: Latin America Bureau (Research and Action).

Harrison, David K.; Rood, David S.; Dwyer, Arienne M. 2008. A World of Many Voices. In Harrison, K. David; Rood, David S.; and Arienne Dwyer. *Lessons from documented endangered languages* Philadelphia: John Benjamins.

Harrison, D. K. 2007. *When Languages Die: The Extinction of the World's Languages and the Erosion of Human Knowledge.* Oxford: Oxford University Press.

Harmon, D. and J. Loh. 2010. 'The Index of Linguistic Diversity: A New Quantitative Measure of Trends in the Status of the World's Languages.' *Language Documentation and Conservation* 4: 97-151.

Hidalgo, M. 2006. *Mexican indigenous languages at the dawn of the twenty-first century.* Mouton de Gruyter: Berlin. New York.

Higgins, N. 2003. 'The Right to Equality and Non-Discrimination with regard to Language.' *Murdoch University Electronic Journal of Law* 10 (1). URL: < http://www.austlii.edu.au/au/journals/MurUEJL/2003/7.html> Consulted 12 February 2004.

Hindley, Reg. 1990. *The death of the Irish language: a qualified obituary*. London; New York: Routledge.

Hogan-Brun, Gabrielle and Wolff, Stefan. 2003. *Minority languages in Europe: frameworks, status, prospects*. Basingstoke: Palgrave Macmillan.

Hornberger, N. H. 1997. *Indigenous literacies in the Americas: Language planning from the bottom up.* New York: Mouton de Gruyter.

Hornsby, M. and D. Vigers. 2012. 'Minority and Semiotic Landscapes: An Ideological Minefield?' In *Minority languages in the linguistic landscape,* eds. D. Gorter, H.F. Marten and L.Van Mensel. Basingstoke UK: Palgrave Macmillan.

Hornberger, N.H. and K.A. King. 1996. 'Language Revitalisation in the Andes: Can the Schools Reverse Language Shift?' *Journal of Multilingual and Multicultural Development* 17(6): 427-441.

Hornsby, M. and D. Vigers. 2012. 'Minority and Semiotic Landscapes: An Ideological Minefield?' In *Minority languages in the linguistic landscape,* eds. Durk Gorter, H. F. Marten and L.V. Mensel. Basingstoke UK: Palgrave Macmillan.

Howard, B. R. 2003. *Indigenous peoples and the state: the struggle for native rights.* DeKalb, Ill.: Northern Illinois University Press.

HREOC (Human Rights and Equal Opportunities Commission). 1997. *Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families.*
URL: < http://www.humanrights.gov.au/publications/bringing-them-home-report-1997>. Consulted 28 April 2012.

Human Rights Committee. 1989. *General Comment No. 18: Non-discrimination.*

Human Rights Committee. 1994. *General Comment No. 23: The rights of minorities* (Art. 27).
URL: <
http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/fb7fb12c2fb8bb21c12563ed004df111>.

Hurtado Tarazona, A. 2003. *Entre la integración y la diferenciación: la lucha por la reivindicación de los sordos como comunidad lingüística en Colombia.* Bogotá: Ediciones Uniandes.

Huss, L. 2008. 'Revitalization through Indigenous Education: a forlorn hope?' In *Can Schools Save Indigenous Languages?* ed. N. Hornberger. London: Palgrave Macmillan.

Hutchinson, C. 2007. 'Reparations for historical injustices: can cultural appropriation as a result of residential schools provide justification for aboriginal civil rights?' *Saskatchewan Law Review,* 70(2): 425-468.

Hylton, F. 2010. 'Plan Colombia: The Measure of Success.' *Brown Journal of World Affairs* 17(1): 99

IACHR (Inter-American Commission on Human Rights). 2006. 'The situation of indigenous peoples and Afro descendant communities.' *Annual Report of the Inter-American Commission on Human Rights 2006*. URL: <
http://www.cidh.org/annualrep/2006eng/Chap.4a.htm >

IACHR (Inter-American Commission on Human Rights). 2009. 'Colombia.' *Annual Report of the Inter-American Commission on Human Rights 2009*. URL: <http://www.cidh.org/annualrep/2009eng/Chap.IV.eng.htm#1.Colombia>

IACHR (Inter-American Commission on Human Rights). 2010. 'Colombia.' *Annual Report of the Inter-American Commission on Human Rights 2010*. 341-426. Available at URL: <http://www.cidh.org/annualrep/2010eng/TOC.htm>

IACHR (Inter-American Commission on Human Rights). 2013. *Indigenous peoples in voluntary isolation and initial contact in the Americas: Recommendations for the full respect of their human rights*. OEA/Ser.L/V/II. Doc. 47/13. URL: <http://www.oas.org/en/iachr/indigenous/docs/pdf/Report-Indigenous-Peoples-Voluntary-Isolation.pdf>

ILO (International Labour Organization). 2009. *Application of Convention No. 169 by domestic and international courts in Latin America - A casebook*. URL: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_123946.pdf/>. Consulted 2 February 2010.

International Law Association. 2010. 'Rights of Indigenous Peoples', *Interim Report, The Hague Conference*. URL: < http://www.ila-hq.org/en/committees/index.cfm/cid/1024>. Consulted 7 October 2012.

International Law Association. 2012. *Resolution No. 5/2012 – Rights of Indigenous Peoples*. URL: <http://www.ila-hq.org/en/committees/index.cfm/cid/1024>. Consulted 7 October 2012.

International Law Commission. 2001. *Draft Articles on Responsibility of States for Internationally Wrongful Acts*. URL: <http://www.unhcr.org/refworld/docid/3ddb8f804.html>. Consulted 7 October 2012.

International Centre for Human Rights and Democratic Development. 2001. *Rights & Democracy. Mission to Colombia to investigate the situation of indigenous peoples.* Montreal.

International Law Commission. 1998. *International Liability for Injurious Consequences arising out of Acts not Prohibited by International Law*. URL: <http://untreaty.un.org/ilc/summaries/9.htm>. Consulted 7 October 2012.

International Work Group for Indigenous Affairs [IWGIA]. 2001. *Racism against indigenous peoples.* Copenhagen.

International Work Group for Indigenous Affairs [IWGIA]. 2007. *The U.N. special rapporteur: indigenous peoples' rights: experiences and challenges.* Copenhagen.

Ivison, D. 2000. 'Political community and historical injustice.' *Australasian Journal of Philosophy* 78(3): 360-373.

Ivison, D. 2006. ‘Historical injustice. The Oxford Handbook of Political Theory.’ In *The Oxford Handbook of Political Theory*, eds J.S. Dryzek, B. Honig, A. Phillips. Oxford: Oxford University Press. 507-525.

Ivison, D., P. Patton, and W. Sanders. 2000. *Political theory and the rights of indigenous peoples.* Cambridge: Cambridge University Press.

Jackson, J. 2002. ‘Caught in the crossfire: Colombia’s indigenous peoples during the 1990s.’ In *The Politics of Ethnicity: Indigenous Peoples in Latin American States*, ed. D. Maybury-Lewis. 107-134.

Jacobs, L. 2007. ‘Reconciling Tort and Administrative Law Concepts of Justice: The Case of Historical Wrongs.’ *University of New Brunswick Law Journal* 57: 134-161.

Jamioy Juagibioy, H. 2005. ‘Situación y futuro de los idiomas indígenas de Colombia en las zonas de conflicto.’ In *Identidad lingüística de los pueblos indígenas de la región andina,* ed S. Bolivar. Quito: Universidad Andina, Instituto Italo-Latino Americano.

Johnson, D. C. 2013. *Language Policy.* Basingstoke: Macmillan.

Johnstone, G., and J. Quirk. 2012. ‘Repairing Historical Wrongs.’ *Social and Legal Studies* 21(2): 155-169.

Kamwangamalu, N. M. 2013. ‘English in Language Policies and Ideologies in Africa: Challenges and Prospects for Vernacularization.’ In *The Oxford Handbook of Sociolinguistics* New York: Oxford University Press. 545-562.

Kaplan, R., and R. Baldauf Jr. 2008. ‘Language Policy and Planning in the Baltic States, Ireland and Italy: Some common issues.’ In *Language Planning and Policy in Europe: v. 3. The Baltic States, Ireland and Italy.* eds R. B. Kaplan and R. Baldauf Jr. Bristol: Multilingual Matters. 6-30.

Kaplan, R., and R. Baldauf Jr. 2005. *Language planning and policy in Europe, Vol 1. Hungary, Finland and Sweden*. Clevedon: Buffalo: Multilingual Matters.

Kaplan, R., and R. Baldauf Jr. 2007. *Language planning and policy in Latin America, Vol 1 Ecuador, Mexico and Paraguay*. Clevedon: Buffalo: Multilingual Matters.

Keal, P. 2003. *European conquest and the rights of indigenous peoples: the moral backwardness of international society.* New York: Cambridge University Press.

Koenig, M., and P. de Guchteneire. 2007. *Democracy and human rights in multicultural societies.* Aldershot, Hampshire, England; Burlington, VT: Ashgate; Paris: UNESCO.

Krauss, M., 2007. ‘Mass language extinction and documentation: the race against time.’ In *The Vanishing Languages of the PacificRim*, eds O. Miyaoka, O. Sakiyama and M. Krauss. Oxford University Press: Oxford. 3-24.

Krauss, M. 1992. ‘The world’s languages in crisis.’ *Language* 68. 4-10.

Kroskrity, P. V. 2009. ‘Language Renewal as Sites of Language Ideological Struggle: The Need for “Ideological Clarification”.’ In *Indigenous Language Revitalization: Encouragement, Guidance & Lessons Learned*, eds. J. Reyhner and L. Lockard. Flagstaff, AZ: Northern Arizona University. 71-83.

Kroskrity, P.V., B.B. Schieffelin, K.A.Woolard. 1998. *Language ideologies: practice and theory*. New York: Oxford University Press.

Kumar, R., and D. Silver. 2003. ‘The Legacy of Injustice: Wronging the Future, Responsibility for the Past.’ In *Justice in Time: Responding to Historical Injustice*, ed. L.H. Meyer. Baden-Baden: Nomos. 145-158.

Kupau, S. 2004. ‘Judicial Enforcement of Official Indigenous Languages: A Comparative Analysis of the Maori and Hawaiian Struggles for Cultural Language Rights.’ *University of Hawai'i Law Review*, 26(2): 495-536.

Landaburu, J. and C. de Vengoechea. 2002. ‘Políticas y derechos lingüísticos.’ In *Enseñanza de lenguas en contextos multiculturales*, ed. M. Trillos Amaya. Bogotá: Instituto Caro y Cuervo. 29-36.

Landaburu, J. 1995. ‘La traducción de la Constitución Política a siete lenguas indígenas.’ In *Gritón, No. 2*,. 5-7.

Landaburu, J. 1997. ‘Historia de la Traducción de la Constitución de Colombia a Siete Lenguas Indígenas.’ *Amerindia 22.* 165-176.

Landaburu, J. 2004. ‘La situación de las lenguas indígenas de Colombia: prolegómenos para una política lingüística viable.’ In *Amérique Latine Histoire et Mémoire, No. 10.*

Landel, M. 2010. ‘Are Aerial Fumigations in the Context of the War in Colombia a Violation of the Rules of International Humanitarian Law?’ *Transnational Law & Contemporary Problems* 19(2): 491-513.

Latomaa, S., and P. Nuolijärvi. 2005. ‘The Language Situation in Finland.’ In *Language Planning and Policy in Europe, Vol. 1. Hungary, Finland and Sweden,* eds R. B. Kaplan, R.B. Baldauf Jr . Clevedon UK: Multilingual Matters. 125-232.

Laurent, V. 2005. *Comunidades indígenas, espacios políticos y movilización electoral en Colombia: motivaciones, campos de acción e impactos.* Bogotá: Instituto Colombiano de Antropología e Historia.

Leitch, D. 2006. ‘Canada’s Native Languages: The Right of First Nations to Educate Their Children in their Own Languages.’ *Constitutional Forum Constitutionel* 15(3): 107-120.

Lemaitre Ripoll, J. 2009. *El derecho como conjuro: Fetichismo legal, violencia y movimientos sociales*. Bogotá: Siglo del Hombre Editores; Universidad de Los Andes

Lemaitre Ripoll, J. 2013. 'La Quintiada (1912-1925). *La rebelión indígena liderada por Manuel Quintín Lame en el Cauca: recopilación de fuentes primarias*. Bogotá: Universidad de los Andes.

Lenzerini, F. 2008. *Reparations for indigenous peoples: international and comparative perspectives.* Oxford: Oxford University Press.

Lenzerini, F. 2008. 'The trail of broken dreams: The status of Indigenous Peoples in international law.' In *Reparations for indigenous peoples: international and comparative perspectives*, ed F. Lenzerini. Oxford: Oxford University Press. 73-116.

Lenzerini, F. 2010. 'The United Nations Declaration on the Rights of Indigenous Peoples: Amending Five Centuries of Wrongs.' In *Recognising, Engaging, Understanding Difference*, eds. J.S. Te Rito, S.M. Healy. Kei Muriite Awe Kāpara he Tangata Kē: 4th International Traditional Knowledge Conference 2010, Auckland, New Zealand. 19-28.

Leonard, W.Y. 2011. 'Challenging "extinction" through Modern Miami Language Practices.' *American Indian Culture and Research Journal* 35(2): 135-160.

Lewis, M.P., and Simons, G. F. 2010. 'Assessing endangerment: Expanding Fishman's GIDS.' *Revue Roumaine de Linguistiqu*. 55(2): 103–120.

Liddicoat, A.J., and T.J. Curnow. 2007. 'Language-in-education policy in the context of language death: Conflicts in policy and practice in Colombia.' In *Language description, history and development: Linguistic indulgence in memory of Terry Crowley.* eds J. Siegel, J.Lynch and D.Eades. Amsterdam: John Benjamins. 419-430.

Lindsay, M., D. Chalmers, M. Danson and A.Lang. 2011. 'BBC ALBA's contributions to Gaelic language planning efforts for reversing language shift.' *Current Issues in Language Planning.* 12(3): 349-361.

Llewellyn, J.J. 2002. 'Dealing with the Legacy of Native Residential School Abuse in Canada: Litigation, ADR, and Restorative Justice.' *University of Toronto Law Journal* 52: 253-300.

Lo Bianco, J. 2005. 'Including discourse in language planning theory.' In *Directions in applied linguistics*, ed. P. Bruthiaux. Clevedon: Multilingual Matters.

López, L. E. and I. Sichra. 2008. 'Intercultural bilingual education among Indigenous peoples in Latin America.' In *Encyclopedia of Language Education* (2nd ed), eds. J. Cummins and N. H. Hornberger. Newyork: Springer.

Lopez, L.E. 2008. ‘Top-Down and Bottom-Up: Counterpoised Visions of Bilingual Intercultural Education in Latin.’ In *Can Schools Save Indigenous Languages?* Policy and Practice on Four Continents. New York: Palgrave MacMillan.

Loury, G.C. 2007. ‘Transgenerational Justice - Compensatory Versus Interpretative Approaches.’ *Reparations: interdisciplinary inquiries*, eds. J. Millar and R. Kumar. New York: Oxford University Press.

Ludi, R. 2007. ‘Historical Reflections on Holocaust Reparations: Unfinished Business or an Example for Other Reparations Campaigns?’ In *Repairing the Past?: International perspectives on reparations for gross human rights abuses*, eds. M. du Plessis and S. Peté. Antwerp; Oxford: Intersentia.

Rebolledo Recendiz, N. 2008. ‘Learning with Differences: Strengthening Hnahno and Bilingual Teaching in an Elementary School in Mexico City.’ In *Can schools save indigenous languages?: policy and practice on four continents*, ed. N. H. Hornberger. New York: Palgrave Macmillan.

Rodriguez-Piñero, L. 2006. *Indigenous Peoples, Postcolonialism, and International Law: The ILO Regime (1919-1989).* Oxford: Oxford University Press.

Rodriguez-Piñero, L. 2011. ‘Inter-American System and the UN Declaration on the Rights of Indigenous Peoples: Mutual Reinforcement.’ In *Reflections on the UN Declaration on the Rights of Indigenous Peoples*, eds. S. Allen and A. Xanthaki. Oxford: Hart Publishing.

Mackay, W. F. 2010. ‘History and Origins of Language Policy in Canada.’ In *Canadian language policies in comparative perspective*, ed. M.A. Morris. Montreal; Ithaca, NY: McGill-Queen's University Press

Macpherson, A.S, K. Alejandra Rosemblatt, and N. P. Appelbaum. 2003. *Race and nation in modern Latin America.* Chapel Hill: University of North Carolina Press.

Macri, M.J. 2010. ‘Whose ethics?’ In *Language Documentation: Practice and values* eds. L.A.Grenoble and N. L. Furbee. Amsterdam: John Benjamins. 37-48.

Maffi, L. 2001. ‘On the interdependence of biological and cultural diversity.’ In *On Biocultural Diversity: Linking Language, Knowledge, and the Environment*, ed. L. Maffi. Washington, DC: Smithsonian Institution Press.

Maffi, L. 2005. ‘Linguistic, cultural and biological diversity.’ *Annual Review of Anthropology* 29: 599-617.

Magarrell, L. 2007. *Reparations in Theory and Practice*. New York: International Center for Transitional Justice. URL: <http://ictj.org/sites/default/files/ICTJ-Global-Reparations-Practice-2007-English.pdf>. Consulted 7 October 2012.

Mahecha Rubio, D and C.E. Franky Calvo. 2013. 'Colombia: The Nükak: The last nomadic people officially contacted in Colombia.' In *Indigenous Peoples in Voluntary Isolation and Initial Contact*, International Work Group for Indigenous Affairs, IWGIA and Instituto de Promoción Estudios Sociales, IPES. URL: < http://www.iwgia.org/iwgia_files_publications_files/0617_ENGELSK-AISLADOS_opt.pdf >

Maier, C. 2003. 'Overcoming the Past? Narrative and Negotiation, Remembering and Reparation: Issues at the Interface of History and the Law.' In *Politics and the Past: On Repairing Historical Injustices,* ed. J. Torpey. Lanham, MD: Rowman and Littlefield Publishers. 295-304.

Maki, M., K. Harry and S.M. Berthold. 1999. *Achieving the impossible dream: how Japanese Americans obtained redress.* Urbana and Chicago: University of Illinois Press.

Makoni, S., and A. Pennycook. 2006. *Disinventing and Reconstituting Languages.* Multilingual Matters.

Mancini, S., and B. de Witte, 2008. 'Language Rights as Cultural Rights: A European Perspective', In *Cultural human rights,* eds F. Francioni and M. Scheinin. Leiden: Boston: Martinus Nijhoff Publishers.

MAR [Minorities At Risk Project]. 2003. 'Assessment for Indigenous Peoples in Colombia'. *Center for International Development and Conflict Management*: University of Maryland, College Park. URL: <http://www.cidcm.umd.edu/mar/assessment.asp?groupId=10004>. Consulted 10 October 2008.

Marmion, D, O. Kazuko and J. Troy. 2014. *Community, identity, wellbeing: the report of the Second National Indigenous Languages Survey*. Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS). URL: <http://www.aiatsis.gov.au/_files/research/report_of_the_2nd_national_indigenous_languages_survey.pdf>.Consulted 9 November 2009.

Mar-Molinero, C. 2000. *The Politics of Language in the Spanish-speaking world: from colonisation to globalisation.* London and New York: Routledge.

Mar-Molinero, C., and P, Stevenson. 2006. *Language ideologies, policies, and practices: language and the future of Europe.* Palgrave Macmillan.

Matras, Y. 2005. 'Language contact, language endangerment and the role of the 'salvation linguist'.' In *Language documentation and description, Volume 3.* ed. P.K. Austin. London: Hans Rausing Endangered Languages Project. 225-251.

Mattéi Muller, M. 2008. 'La diversidad cultural y lingüística como rasgo identitario: la Venezolanidad frente a las identidades indígenas en la nueva constitución de

Venezuela.' In *El futuro de las lenguas: diversidad frente a uniformidad,* ed. B. Uranga. 69-94.

May, S., and R. Hill. 2008. 'Māori-medium education: current issues and challenges.' In *Can Schools Save Indigenous Languages?* ed. N. Hornberger. London: Palgrave Macmillan. 66-98.

May, S. 2000. 'Uncommon languages: the challenges and possibilities of minority language rights.' *Journal of Multilingual and Multicultural Development* 21(5): 366-385.

May, S. 2001. *Language and minority rights: ethnicity, nationalism, and the politics of language.* Harlow, Essex, England: New York: Longman.

May, S. 2012. *Language and Minority Rights* (2nd ed). New York: Routledge.

McCarty, T.L. 2008. 'Language Education Planning and Policies by and for Indigenous Peoples.' *Encyclopedia of Language and Education. Vol. 1: Language Policy and Political Issues in Education.* 2nd ed. New York: Springer.

McCarty, T.L. 2008. 'Schools as Strategic Tools for Indigenous Language Revitalization: Lessons from Native America.' In *Can Schools Save Indigenous Languages?* ed. N. Hornberger. London: Palgrave Macmillan. 42-65.

McCarty, T.L. 2013. *Language Planning and Policy in Native America: History, Theory, Praxis.* Clevedon: Multilingual Matters.

McCarty, T.L. 2012. 'Indigenous language planning and policy in the Americas.' In *The Cambridge Handbook of Language Policy,* ed. B. Spolsky. Cambridge: Cambridge University Press. 544-569.

McDermott, J. 2010. 'How President Alvaro Uribe changed Colombia.' *BBC News*. URL: <http://www.bbc.com/news/world-latin-america-10841425>

McGonagle, T. 2011. *Minority rights, freedom of expression and of the media: dynamics and dilemmas.* Cambridge, U.K; Portland: Intersentia.

McKay, G. 2011. 'Policy and Indigenous languages in Australia.' *Australian Review of Applied Linguistics* 34(3): 297-319.

Mechlem, K. 2009. 'Treaty Bodies and the Interpretation of Human Rights.' *Vanderbilt Journal of Transnational Law* 42: 905-947.

Meek, B.A. 2010. *We Are Our Language: An Ethnography of Language Revitalization in a Northern Athabascan Community*. Tucson: University of Arizona Press.

MEN (Ministerio de Educación Nacional) and ONIC (Organización Nacional Indígena de Colombia). 1986. *Primer Seminario de Etnoeducación 25-31 de agosto de 1985: Memorias*. Bogotá: MEN; ONIC.

Mercer, P. 2009. 'Lost Aboriginal language revived.' *BBC News Online.* URL: <http://news.bbc.co.uk/2/hi/asia-pacific/7992565.stm>. Consulted 14 April 2009.

Meyer, L.H. 2010. 'Historic Injustice.' In *Encyclopedia of Political Theory, Vol. 2*, ed. M. Bevir. Thousand Oaks, CA: Sage. 638-640.

Miller, J., and R. Kumar. 2007. *Reparations: interdisciplinary inquiries.* Oxford: Oxford University Press.

Mincultura (Ministry of Culture). 2009. *Compendio de políticas culturales*. Bogotá: Ministerio de Cultura. URL: <http://culturayeconomia.org/wp-content/uploads/Compendio-Pol%C3%ADticas-Culturales.pdf>

Montes Rodriguez, M.E. 2009. 'Tendencias actuales en la política lingüística bilingüe en Colombia con menciones a la Amazonia.' In *Las lenguas autóctonas en Colombia: consideraciones alrededor de su legitimación en la constitución de 1991.* eds. I. Gröll, D.A. Aguirre Licht, R. Pappenheim Murcia, and M.E. Montes Rodriguez. Bogotá: Ediciones Uniandes. 117-141.

Moon, C. 2012. 'Who'll Pay Reparations on My Soul?: Compensation, Social Control and Social Suffering.' *Social and Legal Studies* 21(2): 187-199.

Morales Thomas, P. 2011. *Los idiomas de la reetnización: Corpus Christi y pagamentos entre los indígenas kankuamo de la Sierra Nevada de Santa Marta*. Bogotá: Universidad Nacional de Colombia.

Moriarty, M., and S. Pietikäinen. 2011. 'Micro-level language-planning and grass-root initiatives: a case study of Irish language comedy and Inari Sámi rap.' *Current Issues in Language Planning* 12:3, 363-379.

Morris, M. A. 2010. *Canadian language policies in comparative perspective.* Montreal; Ithaca, NY: McGill-Queen's University Press.

Morse, B.W. 2008. 'Reconciliation Possible? Reparations Essential.' In *From truth to reconciliation Transforming the Legacy of Residential Schools – response, responsibility and renewal*, eds Brant Castellano, M., L. Archibald and M. De Gagne. Ottawa: Aboriginal Healing Foundation. 231-254.

Moseley, C. (ed.). 2010. *Atlas of the World's Languages in Danger*, 3rd edn. Paris: UNESCO Publishing. URL: <http://www.unesco.org/culture/en/endangeredlanguages/atlas>

Mosonyi, E. 1997. 'Nuestros idiomas merecen vivir: el dilema lingüístico del Río Negro.' In *Lenguas amerindias: condiciones sociolingüísticas en Colombia.* eds. X. Pachón, R.F. Correa. Bogotá: Instituto Caro y Cuervo. 587-662.

Mosquera Rosero- Labbé, C. and L.C. Barcelos (eds). 2007. *Afro-Reparaciones: Memorias de la esclavitud y justicia reparativa para negros, afrocolombianos y raizales.* Bogotá: Universidad Nacional de Colombia.

Mosquera Mosquera, J. 2005. 'Interculturalidad en la génesis del Movimiento Nacional Colombiano Cimarrón.' In *Comunidades Étnicas en Colombia: Cultura y jurisprudencia* eds. C. Parra Dussan, and G. Amparo Rodríguez. Bogotá: Centro Editorial Universidad de Rosario. 54-74.

Mowbray, J. 2012. *Linguistic Justice: International Law and Language Policy.* Oxford: Oxford University Press.

Mufwene, S.S. 2008. *Language evolution: contact, competition and change.* London; New York: Continuum.

Mufwene, S.S. 2005. 'Globalization and the myth of killer languages: What's really going on.' In *Perspectives on Endangerment*, eds. G. Huggan and S. Klassen.

Murillo, M. 2008. 'Weaving a communication quilt in Colombia: Civil conflict, indigenous resistance and community radio in Northern Cauca.' In *Global indigenous media: Cultures, poetics, and politics* eds. P. Wilson and M. Stewart. Durham and London: Duke University Press. 145-159.

Muyuy Jacanamejoy, G. 2002. 'Condiciones para que la oficialidad de las lenguas indígenas se haga realidad.' In *Enseñanza de lenguas en contextos multiculturales* ed. M. Trillos Amaya. Bogotá: Instituto Caro y Cuervo. 37-42.

Nash, D. 2013. *Language policies for Australian languages.* URL: <http://www.anu.edu.au/linguistics/nash/aust/policy.html>

Nettle, D., and S. Romaine. 2000. *Vanishing Voices: The Extinction of the World's Languages.* Oxford: Oxford University Press.

Newman, P. 2003. 'The endangered languages issue as a hopeless cause.' In *Language Death and Language Maintenance: Theoretical, practical and descriptive approaches*, eds. M. Janse and S. Tol. Amsterdam; Philadelphia: John Benjamins Publishing Company. 1-13.

Ng'weno, B. 2007. *Turf Wars: Territory and citizenship in the contemporary state.* Stanford CA: Stanford University Press.

Nic Craith, M. 2006. *Europe and the politics of language.* New York: Palgrave Macmillan.

Obando Ordóñez, P. 1992. *Awa-Kwaiker: An Outline Grammar of a Colombian/Ecuadorian Language, with a cultural sketch*. PhD dissertation, University of Texas at Austin.

Ober, R and J. Bell. 2012. 'English Language as Juggernaut–Aboriginal English and Indigenous Languages in Australia.' In *English Language as Hydra: Its Impacts on Non-English Language Cultures* eds. V. Rapatahana and P. Bunce. Bristol, UK; Multilingual Matters. 60-75.

Odello, M. 2012. 'Indigenous peoples' rights and cultural identity in the inter-American context.' *The International Journal of Human Rights* 16(1): 25-50.

OEI [Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura]. 2007. *Declaración de Valparaíso*. X Conferencia Iberoamericana de Cultura, Valparaíso, Chile, 26-27 July 2007 <http://www.oei.es/xcic.htm>

OHCHR [Office of the United Nations High Commissioner for Human Rights]. 2008. *Rule-of-law tools for post-conflict states: Reparations programmes.* New York, Geneva: United Nations.

OLBI [Official Languages and Bilingualism Institute]. 2013. *Legal Framework.* Site for Language Management in Canada (SLMC). University of Ottawa.

Olthuis, M.; K. Suvi, T. Skutnabb-Kangas. 2013. *Revitalising Indigenous Languages: How to Recreate a Lost Generation.* Bristol; Buffalo; Toronto: Multilingual Matters.

ONIC [Organización Nacional Indígena de Colombia]. 2009a. *Diagnóstico integral de emisoras y/o radios indígenas*. Bogotá: Ministerio de Cultura, ONIC. URL: <http://archivo.mintic.gov.co/mincom/documents/portal/documents/root/mfardila/docs/DiagnosticoEmisorasIndigenas.pdf>. Consulted 5 August 2014.

ONIC [Organización Nacional Indígena de Colombia]. 2006. *Misión Internacional de Verificación.* Bogotá: ONIC. URL:< http://www.onic.org.co/nuevo/mision/sobre_mision.shtml>. Consulted 25 October 2008.

ONIC [Organización Nacional Indígena de Colombia]. 2012. *A cien años del holocausto cauchero en el Amazonas.* URL: <http://cms.onic.org.co/2012/10/a-100-anos-del-holocausto-cauchero-en-el-amazonas/>. Consulted 25 October 2008.

ONIC, CRIC, IESALC–UNESCO. 2004. *Diagnóstico Sobre Educación Superior Indígena En Colombia.* Bogotá: IESALC – UNESCO.

Osorio Rendón, L.C. 2006. *Derechos humanos y pueblos indígenas de Colombia* 2a edition.

Oxaal, Z. 2005. 'Removing that which was Indian from the Plaintiff: Tort Recovery for Loss of Culture and Language in Residential Schools Litigation.' *Saskatchewan Law Review* 68: 367-402.

Pachón, X., R. F. Correa. 1997. *Lenguas amerindias: condiciones sociolingüísticas en Colombia.* Bogotá: Instituto Caro y Cuervo.

Palacio Hinestroza, N.O. 1998. *Etnoeducación en Colombia y las comunidades afrocolombianas.* Bogotá: Docentes Editores.

Pappenheim M.R. 2009. 'El papel de la lingüística ante el desplazamiento de las lenguas minoritarias.' In *Las lenguas autóctonas en Colombia: consideraciones alrededor de su legitimación en la constitución de 1991,* eds. I. Gröll, D.A. Aguirre Licht, M.R. Pappenheim, and M.E. Montes Rodriguez. Bogotá: Ediciones Uniandes. 143-163.

Parra Dussán, C., and G. Amparo Rodríguez. 2005. C*omunidades étnicas en Colombia: cultura y jurisprudencia.* Bogotá: Centro Editorial Universidad del Rosario.

Parra Dussán, C. 2005. 'El pueblo gitano: Introducción.' In *Comunidades étnicas en Colombia: cultura y jurisprudencia,* eds. C. Parra Dussán, and G. Amparo Rodríguez. Bogotá: Centro Editorial Universidad del Rosario. 182-187.

Pasqualucci, J. M. 2006. 'The Evolution of International Indigenous Rights in the Inter-American Human Rights System.' *Human Rights Law Review.* 6(2): 281-322.

Patiño Rosselli, C. 1991. *Español, lenguas indígenas y lenguas criollas en Colombia*. Bogotá: Instituto Caro y Cuervo.

Patiño Rosselli, C. 2000. *Sobre etnolingüística y otros temas.* Bogotá: Instituto Caro y Cuervo.

Pearson, N. 2009. 'Radical Hope: Education and Equality in Australia.' *Quarterly Essay, No. 35*.

Pécaut, D. 1999. 'From the banality of violence to real terror: the case of Colombia.' In *Societies of fear: The legacies of civil war, violence and terror in Latin America.* eds. K. Koonings, and D. Kruiht. London, New York: Zed Books. 144-167.

Pellicer, D., B. Cifuentes, and C. Herrera. 2006. 'Legislating diversity in twenty-first century Mexico.' In *Mexican indigenous languages at the dawn of the twenty-first century.* ed. M.G. Hidalgo. Berlin; New York: Mouton de Gruyter. 127–168.

Pérez Van Leenden, F.J. 2006. 'La traducción de la Constitución Política de Colombia 1991.' *Frónesis* 13(1): 32-39

Perley, B. 2013. 'Remembering ancestral voices emergent vitalities and the future of Indigenous languages.' In *Responses to Language Endangerment: In honor of Mickey Noonan.* eds. E. Mihas, B. Perley, G. Rei-Doval and K. Wheatley. 243-270.

Perley, B.C. 2011. ‘Language as an Integrated Cultural Resource.’ In *A companion to cultural resource management*, ed. T.F. King. Chichester, UK; Malden, MA: Wiley-Blackwell. 203-220.

Peterson, L.C. 1997. ‘Tuning in to Navajo: The Role of Radio in Native Language Maintenance.’ In *Teaching Indigenous Languages*, ed. J. Reyhner. Flagstaff, AZ: Northern Arizona University.

Petoukhov, K. 2013. ‘Recognition, Redistribution, and Representation: Assessing the Transformative Potential of Reparations for the Indian Residential Schools Experience.’ *McGill Sociological Review* 3: 73-91.

Phillips, R. and Johnson, E. 2003. ‘Negotiating new relationships: Canadian museums, first nations, and cultural property.’ In *Politics and the past: On repairing historical injustices* ed. J.Torpey. Lanham, Md: Rowman & Littlefield. 149-167.

Pineda Camacho, R. 1997. ‘El Nasa Yuwe, o la lucha por la supervivencia de una lengua dominada.’ In *Lenguas amerindias: condiciones sociolingüísticas en Colombia*, eds. X. Pachón, R.F. Correa. Bogotá: Instituto Caro y Cuervo. 155-175.

Pineda Camacho, R. 2000. *El derecho a la lengua: una historia de la política lingüística en Colombia.* Bogotá: Ediciones Uniandes.

Ponsford, M. 2013. ‘Se va la directora de la Biblioteca Nacional.’ *Arcadia*, 17 May 2013. URL: <http://www.revistaarcadia.com/impresa/portada/articulo/elogio-ana-roda/31984>

Posner, E. and A. Vermeule. 2003. ‘Reparations for slavery and other historical injustices.’ *Columbia Law Review* 103(3): 689–748.

Pou Giménez, F. 2012. ‘Constitucionalismo y derechos lingüísticos en América Latina: una discusión preliminar.’ *El constitucionalismo en transición. SELA 2011*. Buenos Aires: Libraria Ediciones. 75-99.

Primera, M. 2013. ‘El Caribe reclama a Europa una compensación por la esclavitud.’ *El País.*

Proeibandes. 2005. ‘El Programa.’ *Cochabamba: Programa de Formación en Educación Intercultural Bilingüe para los Países Andinos*.URL:<http://www.proeibandes.org/programa/antecedentes.html>. Consulted 10 October 2008.

Puzey, G. 2012. ‘Two-way traffic: How linguistic landscapes reflect and influence the politics of language.’ In *Minority languages in the linguistic landscape.* eds. D.Gorter, H.F. Marten and L.Van Mensel. Basingstoke UK: Palgrave Macmillan.

Rappaport, J. 2003. 'Redrawing the nation: indigenous intellectuals and ethnic pluralism in contemporary Colombia.' In *After Spanish rule: postcolonial predicaments of the Americas.* Durham: Duke University Press.

Rappaport, J. 2005. *Intercultural Utopias: Public Intellectuals, Cultural Experimentation, and Ethnic Pluralism in Colombia.* Durham, N.C.: Duke University Press.

Reyhner, J. 2010. 'Indigenous language immersion schools for strong Indigenous identities.' *Heritage Language Journal* 7(2): 138–152.

Reyhner, J., F. Norbert. 2002. *Language and literacy teaching for indigenous education: a bilingual approach.* Bilingual education and bilingualism,

Reyhner, J., G. Cantoni, R.N. St. Clair and E. Parsons Yazzie. 1999. 'Revitalizing indigenous languages.' *Center for Excellence in Education.* Flagstaff, Ariz: Northern Arizona University,

Reyhner, J., L. Lockard. 2009. *Indigenous language revitalization: encouragement, guidance & lessons learned.* Flagstaff, Ariz.: Northern Arizona University.

Rice, K. 2010. 'The linguist's responsibilities to the community of speakers: Community-based research.' In *Language Documentation: Practice and values* eds. L.A. Grenoble and N. L. Furbee. 25-36.

Ricento, T. 2006. *An introduction to language policy: theory and method.* Malden, MA: Blackwell Pub.

Rocha Vivas, M. 2010. *Palabras mayores, palabras vivas. Tradiciones mítico-literarias y escritores indígenas en Colombia*. Bogotá: Fundacion Gilberto Alzate Avendaño.

Rocha Vivas, M. 2013. Oralituras y literaturas indígenas en Colombia: de la constitución de 1991 a la Ley de Lenguas de 2010. *A Contra corriente* 10(3): 74-107.

Rodriguez, C., J. El Gazi. 2007. 'The poetics of indigenous radio in Colombia.' *Media, Culture & Society.* 29(3): 449.

Rodríguez Garavito, C. 2011. 'Ethnicity.gov: Global Governance, Indigenous Peoples, and the Right to Prior Consultation in Social Minefields.' *Indiana Journal of Global Legal Studies* 18(1): 263-305.

Rodríguez Garavito, C., Y. Lam. 2011. *Etnorreparaciones: la justicia colectiva étnica y la reparación a pueblos indígenas y comunidades afrodescendientes en Colombia.* Bogotá: DeJusticia.

Rodríguez Garavito, C., T. Alfonso Sierra, and I. Cavelier Adarve. 2009. *El derecho a no ser discriminado: Primer informe sobre derechos humanos y discriminación racial en Colombia.* Bogotá: Observatorio de Discriminación Racial.

Rodriguez-Piñero, L. 2009. '"Where appropriate": monitoring/implementing of indigenous peoples' rights under the Declaration.' In *Making the Declaration Work. The United Nations Declaration on the Rights of Indigenous Peoples*, eds. C. Charters and R. Stavenhagen. Copenhagen: IWGIA.

Rodriguez-Piñero, L. 2011. 'Inter-American System and the UN Declaration on the Rights of Indigenous Peoples: Mutual Reinforcement.' In *Reflections on the UN Declaration on the Rights of Indigenous Peoples* eds. S. Allen, A. Xanthaki. Oxford: Hart Publishing. 457-484.

Rojas, A. 2011. 'Gobernar(se) en nombre de la cultura. Interculturalidad y educación para grupos étnicos en Colombia.' *Revista Colombiana de Antropología* 47(2): 173-198.

Rojas, C. 2002. *Civilization and violence: Regimes of representation in nineteenth-century Colombia.* Minneapolis: University of Minnesota Press.

Rojas Curieux, Tulio. 1999. 'La etnoeducación en Colombia: un trecho andado y un largo camino por recorrer.' *Colombia internacional* 46: 45-59.

Roldán Ortega, R. 2000. *Indigenous peoples of Colombia and the law: a critical approach to the study of past and present situations*. Bogotá: Tercer Mundo Editores.

Romaine, S. 2002. 'The Impact of Language Policy on Endangered Languages,' *International Journal on Multicultural Societies* 4(2).

Roué, M. 2006. 'Healing the wounds of school by returning to the land: Cree elders come to the rescue of a lost generation.' *International Social Science Journal* 58(187): 15-24.

Rubio-Marín, R., C. Paz y Paz Bailey and J. Guillerot. 2009. 'Indigenous Peoples and Claims for Reparation: Tentative Steps in Peru and Guatemala.' *International Center for Transitional Justice.*

Ruiz, B. 2001. *The Colombian Civil War.* Jefferson NC: McFarland & Company.

Ruiz-Chiriboga, O.R. 2013. 'The American Convention and the Protocol of San Salvador: two intertwined treaties. Non-enforceability of economic, social and cultural rights in the Inter-American system.' *Netherlands Quarterly of Human Rights* 31(2): 159-186.

Ruiz Soto, J.P. 2012. 'Pueblos indígenas aislados y minería.' *El Espectador*. 28 August 2012. <http://www.elespectador.com/opinion/columna-370854-pueblos-indigenas-aislados-y-mineria > Consulted 20 August 2014.

Sallabank, J. 2012. 'Diversity and language policy for endangered languages.' In *The Cambridge Handbook of Language Policy* ed. B.Spolsky. Cambridge University Press. 100-123.

Sánchez Botero, E. 2005. *Los pueblos indígenas en Colombia: derechos, políticas y desafíos.* Bogotá: UNICEF.

Sánchez Botero, E. 2010. *Justicia y pueblos indígenas de Colombia. La tutela como medio para la construcción del entendimiento intercultural. 3rd ed.* Bogotá: Universidad Nacional de Colombia.

Sánchez-Carretero, C. 2013. Significance and social value of Cultural Heritage: Analyzing the fractures of Heritage. In *Science and Technology for the Conservation of Cultural Heritage*, eds. M.A. Rogerio-Candelera, M. Lazzari, E. Cano. Leiden: CRC Press. 387-392.

Sánchez Jiménez, Óscar. 2013. *ODM y pueblos indígenas: un compromiso pendiente. Elementos conceptuales de la línea Objetivos de Desarrollo del Milenio y pueblos indígenas de Colombia*. Bogotá: Programa Presidencial para la Formulación de Estrategias y Acciones para el Desarrollo Integral de los Pueblos Indígenas de Colombia. http://www.pueblosindigenas.gov.co/lineas/Documents/Marco_Conceptual_Obj_Drllo_Milenio_PI_de_Colombia.pdf

Sanderson, D. 2010. 'Against Supersession.' *Canadian Journal of Law and Jurisprudence* 24(1): 155-179.

Sanderson, D. 2012. 'Redressing the Right Wrong: The Argument from Corrective Justice.' *University of Toronto Law Journal* 62: 93-132.

Sarkin-Hughes, J. 2009. *Colonial genocide and reparations claims in the 21st century: the socio-legal context of claims under international law by the Herero against Germany for genocide in Namibia, 1904-1908.* Westport, Conn.: Praeger Security International.

Schabas, W. 2000. *Genocide in International Law.* Cambridge: Cambridge University Press.

Schiffman, H.F. 1996. *Linguistic culture and language policy: the politics of language.* London: Routledge.

Sepinwall, A.J. 2006. 'Responsibility for Historical Injustices: Reconceiving the Case for Reparations.' *Journal of Law and Politics* 22(2): 183-207.

Shelton, D. 2005. *Remedies in international human rights law.* Oxford: Oxford University Press.

Shelton, D. 2008. 'Reparations for Indigenous Peoples: The present value of past wrongs.' In *Reparations for Indigenous Peoples: International and comparative perspectives* ed. F. Lenzerini. Oxford: Oxford University Press. 47-72.

Sheyholislami, J. 2010. 'Identity, language, and new media: the Kurdish case.' *Language Policy.* 289-312.

Shohamy, E. 2007. *Language Policy: Hidden agendas and new approaches*. London/New York: Routledge.

Shohamy, E., M. Abu Ghazaleh-Mahajneh. 2012. 'Linguistic landscape as a tool for interpreting language vitality: Arabic as a "minority" language in Israel', In *Minority languages in the linguistic landscape* eds. D. Gorter, H.F. Marten and L.Van Mensel. Basingstoke UK: Palgrave Macmillan.

Simpson, J. 2002. 'Language Attitides: the key factor in language maintenance.' In *Language Endangerment and Language Maintenance* eds. D. Bradley and M. Bradley. London: Routledge Curzon.

Simpson, J., G. Wigglesworth. 2008. *Children's language and multilingualism: indigenous language use at home and school.* London: Continuum.

Skutnabb-Kangas, T., R.Dunbar. 2010. 'Indigenous Children's Education as Linguistic Genocide and a Crime Against Humanity? A Global View.' *Gáldu čála – Journal of Indigenous Peoples Rights.*

Skutnabb-Kangas, T., K. Heugh. 2012. 'Introduction: Reclaiming sustainable linguistic diversity and multilingual education.' In *Multilingual Education and Sustainable Diversity Work: From Periphery to Center* eds. T. Skutnabb-Kangas and K. Heugh. New York; Abingdon UK: Routledge.

Skutnabb-Kangas, T. 2000. *Linguistic Genocide in Education – or World-wide Diversity and Human Rights.* Mahwah, NJ: Lawrence Erlbaum Associates.

Smith, A. 2009. *Indigenous Peoples and Boarding Schools: A Comparative Study*. Paper Prepared for the Secretariat of the United Nations Permanent Forum on Indigenous Issues.

Smith, L. 2008. 'The Politics of Contemporary Language Policy in Ethiopia.' *Journal of Developing Societies* 24(2): 207-243.

Sparrow, R. 2000. 'History and collective responsibility.' *Australasian Journal of Philosophy* 78(3): 346-359.

SPL (Secretaría de Políticas Lingüísticas, Paraguay). 2014. *En Medicina de la UNA promoverán la incorporación del guaraní como materia formativa de los médicos*. URL: <http://www.spl.gov.py/index.php/es/inicio-oculto/320-en-medicina-de-la-una-promoveran-la-incorporacion-del-guarani-como-materia-formativa-de-los-medicos. Consulted 10 July 2014.

Spolsky, B. 2004. *Language Policy.* Cambridge, U.K; New York: Cambridge University Press.

Spolsky, B. 2009. *Language Management.* Cambridge: Cambridge University Press.

Ssenyonjo, M. 2009. *Economic, social and cultural rights in international law*. Oxford; Portland: Hart Publishing.

Stamatopoulou, E. 2011. 'Taking Cultural Rights Seriously: The Vision of the UN Declaration on the Rights of Indigenous Peoples.' In *Reflections on the UN Declaration on the Rights of Indigenous Peoples* eds. S.Allen and A.Xanthaki. Oxford: Hart Publishing. 387-412.

Stavenhagen, Rodolfo. 2011. Making the Declaration on the Rights of Indigenous Peoples Work: The Challenge Ahead. In *Reflections on the UN Declaration on the Rights of Indigenous Peoples* eds. S.Allen and A.Xanthaki. Oxford: Hart Publishing. 147-170.

Stephens, Māmari H. and Monk, Phoebe, A. 2012. 'A Language for Buying Biscuits? Māori as a Civic Language in the Modern New Zealand Parliament.' *Australian Indigenous Law Review*, Vol. 16, No. 1.

Strelein, Lisa. 1996. 'The Price of Compromise: Should Australia Ratify ILO Convention 169?' In *Majah: Indigenous Peoples and the Law* eds. Greta Bird, Gary Martin and Jennifer Nielsen. Southern Cross University: The Federation Press. 63-86.

Strubell, M. 2001. Catalan a decade later. In Fishman, J. (ed), *Can Threatened Languages be Saved*? Clevedon, UK: Multilingual Matters. 260-283.

Sutherland, W.J. 2003. 'Parallel extinction risk and global distribution of languages and species.' *Nature* 423: 276-9.

Taussig, M. 2003. *Law in a Lawless Land: Diary of a limpieza in Colombia*. Chicago: University of Chicago Press.

Taussig, M. 2004. *My cocaine museum*. Chicago; London: University of Chicago Press.

Taylor, Suzi. 2012. 'How a language transformed a town.' Australian Broadcasting Corporation. http://www.abc.net.au/local/stories/2012/07/04/3538590.htm

Thieberger. N. 2002. 'Language Attitides: the key factor in language maintenance.' In *Language Endangerment and Language Maintenance,* eds. D. Bradley and M. Bradley. London: Routledge Curzon.

Thomas, N.1996. 'Te Reo Maori-Te Reo Rangatira Aotearoa-Te Okeoke Roa. The Maori Language-The Chiefly Language of Aotearoa-The Long Struggle.' In *Majah: Indigenous Peoples and the Law*, eds. G. Bird, G. Martin and J. Nielsen. Southern Cross University: The Federation Press. 152-191

Thompson, J. 2002. *Taking responsibility for the past: reparation and historical injustice*. Malden, MA: Blackwell Publishers.

Thompson, J. 2000. 'Historical obligations.' *Australasian Journal of Philosophy* 78(3):334-345.

Thompson, J. 2001. 'Historical Injustice and Reparation: Justifying Claims of Descendants.' *Ethics* 112(1):114-135.

Thornberry, P. 2002. *Indigenous peoples and human rights*. Manchester: Manchester University Press.

Thorpea, K. and M. Galassi. 2014. 'Rediscovering Indigenous Languages: The Role and Impact of Libraries and Archives in Cultural Revitalisation.' *Australian Academic and Research Libraries* 45(2).

Todd, B. 2013. 'Reparar el silencio: justicia reparativa para los daños lingüísticos causados por colonización y conflicto.' *Revista de Derecho Público,* 31.

Tollefson, J. W. 2002. *Language policies in education: critical issues*. Mahwah, N.J.: Erlbaum.

Torpey, J. and Burkett, M. 2010. 'The Debate over African American Reparations.' *Annual Review of Law and Social Science* 6(1):449-467.

Torpey, J., 2006. *Making whole what has been smashed: on reparations politics*. Cambridge, MA; London: Harvard University Press.

Torpey, J. 2003. 'Introduction: Politics and the past.' In *Politics and the past: on repairing historical injustices,* ed. J. Torpey. Lanham, MD: Rowman & Littlefield. 1-34.

Torres del Río, C. 2010. *Colombia Siglo XX: desde la Guerra de los Mil Días hasta la elección de Álvaro Uribe*. Bogotá: Grupo Editorial Norma.

Triana y Antorveza, H. 1987. *Las lenguas indígenas en la historia social del Nuevo Reino de Granada*. Bogotá: Instituto Caro y Cuervo.

Triana y Antorveza, H. 1997. 'Factores políticos y sociales que contribuyeron a la desaparición de lenguas indígenas (Colonia y Siglo XIX).' In *Lenguas amerindias: condiciones sociolingüísticas en Colombia,* eds X., Pachón and R. F. Correa. Bogotá: Instituto Caro y Cuervo. 85-154.

Triana y Antorveza, H. 2007. 'Políticas sobre lenguas indígenas en Colombia (Siglos XVI-XIX).' In *Construcción de la memoria indígena,* ed. B. Osorio Garcés. Bogotá: Siglo del Hombre Editores; Universidad de Los Andes. 163-180.

Trillos Amaya, M. 2003. *Pasión y vida de las lenguas colombianas*. Bogotá: Colciencias; Instituto Colombiano para el Desarrollo de la Ciencia y la Tecnología Francisco José de Caldas.

Troyan, B. 2007. ‘Gregorio Hernández de Alba (1904-1973): the legitimization of indigenous ethnic politics in Colombia.’ *European Review of Latin American and Caribbean Studies* 82: 89-106.

Troyan, B. 2008. ‘Ethnic citizenship in Colombia: the experience of the regional indigenous council of the Cauca in Southwestern Colombia from 1970 to 1990.’ *Latin American Research Review* 43(3):166-192.

Truscott, A. and I. Malcolm. 2010. ‘Closing the policy–practice gap: making Indigenous language policy more than empty rhetoric.’ In *Re-awakening languages: theory and practice in the revitalisation of Australia’s Indigenous languages,* ed. J. R. Hobson. Sydney: Sydney University Press.

Tsosie, R. 2006. ‘The BIA's apology to native Americans.’ In *Taking wrongs seriously: apologies and reconciliation,* eds. E. Barkan and A. Karn. Stanford, Calif.: Stanford University Press. 185.

Tsosie, R. 2007. ‘Acknowledging the past to heal the future: the role of reparations for native nations.’ In *Reparations: interdisciplinary inquiries,* eds. J. Miller and R. Kumar. New York: Oxford University Press. 43-68.

Tsunoda, T. 2005. *Language Endangerment and Language Revitalization*. Berlin; New York: Mouton de Gruyter.

Ulloa, A. 2005. *The ecological native: Indigenous people’s movements and eco-governability in Colombia*. New York; London: Routledge.

UN (Department of Public Information, News and Media Division, United Nations, New York). 2007. ‘General Assembly proclaims 2008 International Year of Languages, in effort to promote unity in diversity, global understanding.’16 May 2007, Plenary, 96th Meeting. GA/10592. URL: <http://www.un.org/press/en/2007/ga10592.doc.htm>

UN (Department of Public Information, News and Media Division, United Nations, New York). 2008. ‘General Assembly adopts declaration on rights of indigenous peoples; ‘major step forward’ towards human rights for all, says president.’ Sixty-first General Assembly, Plenary, 107th & 108th Meetings. GA/10612. Available: http://www.un.org/News/Press/docs/2007/ga10612.doc.htm.

UN Committee on the Rights of the Child: *General Comment no. 11: Indigenous children and their rights under the Convention*. http://www.crin.org/docs/GC.11_indigenous_New.pdf

UNDP. 2013. *Pueblos indígenas y los Objetivos de Desarrollo del Milenio*. UNDP Colombia. http://www.co.undp.org/content/colombia/es/home/library/human_development/pueblos-indigenas-y-los-objetivos-de-desarrollo-del-milenio/

United Nations Economic and Social Council (ECOSOC). 2007. *Restoration of indigenous toponyms: recognition of attachment, identity and dependence*. UN Doc. E/CONF.98/41.

UN General Assembly. 2005. *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*. Adopted 16 Dec. 2005, G.A Res. 60/147, U.N. GAOR, 60th Sess., Agenda Item 71(a), U.N. Doc. A/RES/60/147 (2005). http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/496/42/PDF/N0549642.pdf?OpenElement

UNESCO. 2003. *Language Vitality and Endangerment UNESCO Ad Hoc Expert Group on Endangered Languages*. Document adopted by the International Expert Meeting on UNESCO Programme Safeguarding of Endangered Languages, Paris, 10–12 March 2003, CLT/CEI/DCE/ELP/PI/2003/1. http://unesdoc.unesco.org/images/0018/001836/183699E.pdf

UNHCR. 2011. 'UNHCR works to find durable solutions for endangered Colombian tribe.' *UNHCR UK News Stories*. < http://www.unhcr.org.uk/news-and-views/news-list/news-detail/article/unhcr-works-to-find-durable-solutions-for-endangered-colombian-tribe.html >

UNICEF. 2012. *Los Pueblos Indígenas en Colombia. Derechos, Políticas y Desafíos*. Bogotá: UNICEF, Oficina de área para Colombia y Venezuela. http://www.unicef.com.co/wp-content/uploads/2012/11/pueblos-indigenas-Colombia.pdf

Uprimny, R. and D. E. Guzmán. 2010. 'En búsqueda de un concepto transformador y participativo para las reparaciones en contextos transicionales.' *Revista Colombiana de Derecho Internacional* 17:231-286.

Uprimny, R. and L.M. Sánchez Duque. 2013. 'Constitución de 1991, justicia constitucional y cambio democrático: un balance dos décadas después.' *Cahiers des Amériques latines* 71: 33-53.

Uribe-Jongbloed, E. and C.E. Anderson. 2014. 'Indigenous and minority languages in Colombia: The current situation.' *Zeszyty Łużyckie* 48.

Usma Wilches, J. A. 2009. 'Education and Language Policy in Colombia: Exploring Processes of Inclusion, Exclusion, and Stratification in Times of Global Reform.' *Profile Issues in Teachers' Professional Development* 11:123-141.

Valls, A. 2007. 'Reconsidering the case for black reparations.' In *Reparations: Interdisciplinary Inquiries*, eds. J. Miller and R. Kumar. Oxford: Oxford University Press. 114-129.

Van Cott, D. 2000. ‘A political analysis of legal pluralism in Bolivia and Colombia.’ *Journal of Latin American Studies* 32(1):207-234.

Van Den Beld, T. 2002. ‘Can Collective Responsibility for Perpetrated Evil Persist over Generations?’ *Ethical Theory and Moral Practice* 5(2):181-200.

Villate Santander, G. 2002. ‘Lenguas indígenas y legalidad.’ In *Enseñanza de lenguas en contextos multiculturales*, ed. M. Trillos Amaya. Bogotá: Instituto Caro y Cuervo. 43-53.

Von Gleich, U. 2010. ‘Language and Sociopolitical Struggle in the Hispanic World.’ Presentation at Symposium, University of Newcastle, UK.

Von Platz, J. and D. A. Reidy. 2006. ‘The Structural Diversity of Historical Injustices.’ *Journal of Social Philosophy* 37(3):360-376.

Vrdoljak, A. F. 2008. ‘Reparations for Cultural Loss.’ In *Reparations for indigenous peoples: international and comparative perspectives*, ed. F. Lenzerini. Oxford: Oxford University Press. 197-228.

Wade, P. 1993. *Blackness and Race Mixture: The Dynamics of Racial Identity in Colombia*. Baltimore; London: John Hopkins University Press.

Waldorf, L. 2012. ‘Anticipating the Past.’ *Social and Legal Studies* 21(2):171-186.

Waldron, J. 1992. ‘Superseding historic injustice.’ *Ethics* 103(1):4–28.

Waldron, J. 2002. ‘Redressing Historic Injustice.’ *University of Toronto Law Review* 52:135-160.

Waldron, J. 2007. ‘Why is Indigeneity Important?’ In *Reparations: Interdisciplinary Inquiries*, eds. J. Miller and R. Kumar. Oxford: Oxford University Press. 23- 42.

Wardhaugh, R. 1987. *Languages in Competition: Dominance, Diversity, and Decline*. London: Basil Blackwell Ltd.

Warhol, L. 2012. Creating official language policy from local practice: the example of the Native American Languages Act 1990/1992. *Language Policy* 11. 235–252.

Warner, N., Q. Luna and L. Butler. 2007. ‘Ethics and Revitalization of Dormant Languages: The Mutsun Language.’ *Language Documentation and Conservation* 1(1):58-76.

Warner, S. L. 1999. ‘Kuleana: The Right, Responsibility, and Authority of Indigenous Peoples to Speak and Make Decisions for Themselves in Language and Cultural Revitalization.’ *Anthropology and Education Quarterly* 30(1):68-93.

Wiessner, S. 2011. ‘The Cultural Rights of Indigenous Peoples: Achievements and Continuing Challenges.’ *European Journal of International Law* 22(1):121-140.

Williams, C. 2013. ‘Perfidious hope: the legislative turn in official minority language regimes.’ *Regional and Federal Studies* 23(1):101-122.

Williams, C. 2013. *Minority Language Promotion, Protection and Regulation: The Mask of Piety*. Basingstoke: Palgrave Macmillan.

Wurm, S. A. 2002. ‘Language Attitides: the key factor in language maintenance.’ In *Language Endangerment and Language Maintenance*, eds. D. Bradley and M. Bradley. London: Routledge Curzon.

Zambrano, C. V. 2006. *Ejes políticos de la diversidad cultural*. Bogotá: Siglo del Hombre Editores; Universidad Nacional de Colombia.

Yamamoto, E. K., S. H. Y. Kim and A. M. Holden. 2007. ‘American Reparations Theory and Practice at the Crossroads.’ *California Western Law Review* 44(1):1-86.

Zuckermann, G. and M. Walsh. 2011. ‘Stop, Revive, Survive: Lessons from the Hebrew Revival Applicable to the Reclamation, Maintenance and Empowerment of Aboriginal Languages and Cultures.’ *Australian Journal of Linguistics* 31(1):111-127.

Zuckermann, G., S. Shakuto-Neoh and G.M. Quer. 2014. ‘Native Tongue Title: Proposed Compensation for the Loss of Aboriginal Languages’, *Australian Aboriginal Studies* 2014/1: 55-71.

APPENDIX A

Details of Colombian field research 2010-2012

Interviews or background conversations with:

26 past or present office holders, employees or consultants of
Ministry of Culture
Instituto Caro y Cuervo
ICANH (Colombian Institute of Anthropology and History)

12 past or present office holders, employees or consultants of
Ministry of Education
Ministry of Interior and Justice
Programa Presidencial para los Pueblos Indígenas
National Congress
Colombian Constitutional Court
Agustín Codazzi Geographic Institute

9 current or former office holders with
ONIC (*Organización Nacional Indígena de Colombia* - National Indigenous Organization of Colombia)
CRIC (*Consejo Regional Indígena del Cauca* - Regional Indigenous Council of Cauca)
OIA (*Organización Indígena de Antioquia* - Indigenous Organisation of Antioquia)
OPIAC (*Organización Nacional de los Pueblos Indígenas de la Amazonía Colombiana* - Organization of Indigenous Peoples of the Colombian Amazon)

14 teachers, scholars, activists or officials from Raizal, Palenquero, Rom, Ette Enaka, Tikuna, Nasa, Misak and Wayuú communities, including 3 who were local coordinators for the Sociolinguistic Autodiagnostic campaigns

32 current or retired scholars at nine universities including some who participated in the Ethnolinguistic Legislation Forum and other PPDE events or are engaged in work with relevant NGOs

Further field work experiences of observation and participation

Participated in Second National Congress for Teaching of Native Languages, held in Bogotá, October 2011, centred on presentations by ethnoeducators from dozens of ethnic groups regarding experiences in their communities. Other presenters and attendees included academic linguists, officials from Culture and Education

Ministries, members of CONTCEPI, Vice-Minister and other officials from Basque Vice-Ministry of Language Policy.

Attended Festival of Native Languages, at Bogotá International Book Fair, April 2011.

Stayed in Mocagua Tikuna Resguardo (and visited school in neighbouring Macedonia), Amazonas Department.

Visit to Totoró indigenous community, Cauca.

Visit to San Basilio Palenque.

Attended Festival of Wayúu Culture (which included speech and ceremonial role by Culture Minister Paula Moreno), Uribia, La Guajira Department, June 2010.

Visit to UAIIN (Autonomous Indigenous Intercultural University), Popayán.

Stays in Providencia and San Andrés.

Attended consultation session of OPIAC with Culture Ministry and with Social Action.

Attended various talks, classes and seminars at universities in Bogotá.

Visited INALI (Instituto Nacional de Lenguas Indígenas) in Mexico City.

APPENDIX B:

Chronology of the development of minority language policy in Colombia and of relevant events from the broader historic context

Note: entries in bold relate to the PPDE and LLN process; those in italics refer to relevant international events; those in red are elements of the general Colombian historical context, including the armed conflict; the remainder (regular font) are Colombian occurrences related to language, education, indigenous rights, Afro-Colombian rights or state-minority relations (including the 1991 Constitution).

This chronology commences with the moment of first European colonisation in Colombia, and runs up to 25 January 2012, which is two years after the promulgation of the Native Languages Law. Several later events are discussed in the main body of the thesis but do not appear in this appendix.

1525	Commencement of Spanish presence in Colombia with foundation of Santa Marta, followed by the port of Cartagena. Bogota was founded in 1538 in the lands of the Muiscas, among a number of upland states in the eastern cordillera of the Andes. Their language was one of an estimate 300 spoken at the time of the conquest in Colombia. The Muisca language was initially used for administration and proselytising, but was replaced by Spanish for all roles[485] by the early 1600s and became extinct late in the following century.[486] Bogota became the centre for the Audiencia of New Granada, roughly equivalent to modern Colombia. As in other parts of the Spanish empire, conquest was associated with pandemics, violence, social disruption and cultural loss. Spain's first interest was gold – they were astounded by the fine goldworking of Muiscas and other peoples; most precious objects were melted down, representing a tremendous loss of physical heritage. As extractive, agricultural and proselytising activities advanced, the Caribbean coast, the three cordilleras of the Andes and the inter-Andean valleys were colonised earliest, with strong processes of *mestizaje* (racial mixing) between Indians, colonists and African slaves; aboriginal peoples of the Pacific coast, Amazon jungles and Orinoco plains experienced the onslaught progressively in the following centuries. However, colonial laws did permit some retention of collective land holdings, social arrangements and self-governance to varying degrees in different regions and periods, while the natives had diverse strategies of resistance and adaptation.[487]
Early 1700s	Prohibition of use of Indian labour in mines led to increase in importation of African slaves,[488] particularly in the key gold extracting areas in Pacific/western Colombia (the origins of the Pacific coast Afro-Colombian communities). Meanwhile colonial authorities took military action against settlements of maroons (escaped slaves) inland from the Caribbean coast; one such community, San Basilio de Palenque, successfully resisted and eventually secured a peace accord, enabling it to protect its cultural practices and its unique

[485] Imperial "language policy" was inconsistent: in 1550 Carlos V ordered the religious orders to teach Spanish to the natives, while in 1578 his son Felipe II decreed that evangelization should be conducted by those who had mastered the autochthonous languages; by 1596 the Council of the Indies was recommending Spanish again. (Wasserman Soler 2010)

[486] It thus fared very differently from Quechua and Aymara in Peru/Bolivia and Nahuatl in Mexico, which, having been the vehicular languages of pre-conquest empires, were already distributed over wide areas, and so were of greater utility to the missionaries and conquistadors; those languages remained strong until contemporary times, as did Guaraní in Paraguay owing to its cultivation by the Jesuit missions.

[487] Roldán 2000

[488] Safford & Palacios 2002

	creole language, Palenquero.
1717	New Granada upgraded to Vice-Royalty, with Ecuador, Panama and Venezuela added as subdivisions.
1770	Royal decree of King Carlos III mandated Spanish as the empire's official language for all purposes.
1810-1821	Independence declarations in various regions; Spanish attempts to restore control eventually defeated by forces of Simón Bolívar, establishing the republic known as Grand Colombia, which included Venezuela, Ecuador and Panama.
1821	Law 11 of 1821 declared Indians to be free and equal to other Colombians and ordered breakup of *resguardos* (lands held collectively by organised Indian communities); as a result in the Andean areas many Indians ended up as *campesinos* (peasants) in a feudal relation with big landowners (accelerating loss of language and culture) or else retreated to mountainous or forested areas. However, despite this and later state measures to dissolve them, many *resguardos* persisted. Another law provided that children born to slaves from then onwards would be freed upon turning 18 if they could pay the costs of maintaining themselves. Bolívar's promises of freedom for slaves who assisted in the independence battles against Spain were not honoured.
1822	Caribbean islands of San Andrés & Providencia came under control of newly independent Grand Colombia, but without any attempts to transform the local societies.
1830	Venezuela and Ecuador withdrew from Grand Colombia, while Panama remained. From then until 1858 it reverted to the name New Granada, and then the Granadine Confederation until 1863. Its first civil war was from 1839-1842, sparked by attempts to dissolve (and appropriate property of) smaller monasteries.
1848-49	Foundation of Liberal Party, favouring federalism, reduced Church influence, and broader suffrage; and then of Conservative Party, with contrary positions on all three issues.
1851	Full abolition of slavery. Despite constituting a higher number and population proportion than in any other Spanish-speaking country, Afro-Colombians were not mentioned again in national laws until 1991 Constitution.
1863	1860-62 civil war won by Liberals, whose new constitution[489] established the United States of Colombia. The instability of the highly federalised polity prompted a Conservative resurgence seeking a return to order via national "regeneration", which was effected by Rafael Nuñez, a Liberal President who changed sides in the early 1880s.
1871	Colombian Language Academy, dedicated to studies of Spanish, founded by writers and philologists including Rufino José Cuervo and Miguel Antonio Caro, after whom the Caro y

[489] That of 1863 was the last of a series of short-lived constitutions. There were about a dozen constitutions written during the independence wars by various regions that initially declared a local independence before coalescing as Grand Colombia, which promulgated its constitution in 1822; this was succeeded by those of 1832, 1843, 1853 and 1858. There were also a series of constitutions made for each of the unstable states in the Granadine Confederation and the United States of Colombia. This constitutional chaos contrasted with the durability of the 1886 version, a contrast emphasised by the opponents of the constitutional revision of 1991.

	Cuervo Institute was named in the 1940s. Caro (whose writer father was one of the co-founders of the Conservative Party in 1849[490]) later became Colombia's President; his traditionalist views on the role of the Church and the Spanish language flavoured the 1886 Constitution. Late 19th century Colombian intellectuals were noted for an obsession with studies of Spanish grammar – perhaps continued in the form of greater attention given to Spanish than to native tongues in the later 20th century.[491]
1886	President Nuñez and Conservative allies like Caro enacted the "Regeneration constitution", establishing a centralised "Republic of Colombia", defined as Catholic (dedicated to the Sacred Heart of Jesus) and Spanish speaking. There was no mention of indigenous rights or recognition of ethnic minorities.
1887	Concordat with the Catholic Church gave it great power – e.g. Catholic religious education compulsory in all schools, no taxes on the Church, and no subjection of clergy to the regular justice system – including control of indigenous education in the broadest sense (that of *mission civilisatrice*), with vast tracts of the country administered as missions. Additional missions agreements were made in 1903 and 1928.
1890	Law 89 of 1890 re "governing the savages who are being brought to civilized life": indigenous persons deemed minors for purposes of civil and penal law; recognition of collective ownership of land in the form of organized communities (***resguardos***) with governing bodies (***cabildos***) – i.e. of the colonial institutions that were strongly undermined during the mid-19th century period of Liberal dominance, yet survived to a greater extent than in any other South American country. However, laws of 1905 and 1919 and decrees in the 1940s facilitated sale or dissolution of *resguardo* land, in the face of determined indigenous resistance.
1899-1902	The bloody "Thousand Days War" between Liberals and Conservatives, won by the latter. It set the scene for the 1903 secession of Panama – aided by the US, which was not satisfied by the response of Colombia's Senate to demands for extensive rights along the canal it was constructing on the Panamanian isthmus.
1914-1930s	Manuel Quintín Lame (1880–1967) led an Indian uprising in 1914 in Cauca and nearby departments, and was jailed until 1921. In 1924 he published a "Thoughts of an Indian educated in the Colombian jungles" and had taught himself enough about the Colombian legal system to advocate for indigenous rights before the courts. One of his novel contributions was to see the value of Law 89 of 1890 for supporting claims to colonial-era *resguardo* holdings that had been appropriated by whites; this example of seeing a law crafted by Western society (even one that casts Indians as "savages" and denies them civil equality) as a tool for indigenous struggle is one that has been emulated by the Colombian indigenous movement ever since – and given to me by Abadio Green (ex-president of national indigenous organisation ONIC) as a reason for favouring the 2010 Native Languages Law for its utility despite any perceived defects in procedures of prior consultation. In 1974 Lame was remembered in the name of the MAQL (Quintín Lame Armed Movement) guerrilla group, which participated in the 1991 Constituent Assembly after demobilising.
1920s	Radical thinkers in Colombia followed their peers in other Latin American countries in

[490] As Cuervo was the son of a Vice-President, this pair of scholars exemplifies the domination of Colombian politics by a lettered elite – whose landholdings yielded income from feudalistic labour exploitation of *campesinos*, including Indians whose declining native languages they did not deign to study.

[491] Even today the Academy appears to retain its stuffy reputation - which could be considered corroborated by the statistic that only 4 of its 27 members are female.

	exploring new conceptions of indigenous peoples (inspired particularly by the recent Mexican Revolution and the writing of the Peruvian Marxist Mariategui). Some interest was purely cultural and without engagement with indigenous communities: from 1930 a group of artists and writers formed the Bachue group, named after a goddess of the pre-conquest Muiscas and looking favourably to Colombia's native past (NB embrace of the pre-Columbian legacy was generally stronger in Mexico and Peru because the ancient civilisations seemed more comparable to those of Europe e.g. temples, cities, empires). Jose Eustacio Rivera's influential 1924 novel *La Voragine* drew attention to the brutalities perpetrated on Amazon natives by Peruvian rubber barons.
1925	*Rebellion by the Kuna people of Panama's San Blas Islands ended in recognition of Kuna autonomy by Panama, representing the first major20th century gain of this nature in Latin America. That structure enabled the Kuna to maintain their language and religion to a high degree (meanwhile the minority who lived across the nearby Colombian border had had their resguardos dissolved). US intervention may have been decisive: as canal owners their interests were served by stability while institutions of Indian self-rule, albeit imperfectly honoured, were operative in the US mainland; Latin American nationalist discourses of the time would not have been so open.*
1929	Growing agitation by labour movements culminated in the massacre of banana workers in Magdalena department, an atrocity that inspired later activists such as the populist Liberal Jorge Eliécer Gaitán.[492]
1929	Treaty with Nicaragua confirmed Colombian control of San Andrés and Providencia, and of Nicaraguan control of its Caribbean/Atlantic coast – without consulting the English Creole-speaking black communities who maintained strong links across the maritime frontier, and who would soon be subject to waves of hispanicisation and colonisation from the heartlands of the respective occupier states.
1929	Concordat with Vatican confirmed control by Catholic missionary orders of education in most indigenous communities (supplemented by mission agreement of 1953, major revisions in 1970s).
1930	Liberal President elected for the first time since the 1886 Constitution was promulgated, thereby concluding a period referred to as the Conservative Hegemony. In a number of regions local officials appointed during the long Conservative rule refused to yield their posts to Liberals (in many Latin American systems it was normal that public sector employees came and went with changing governments), leading to the outbreak of killings and other disturbances; levels of unrest continued in various areas right up to the outbreak of *La Violencia* in 1948. The Liberal Party won four successive presidencies, i.e. ruling from 1930 to 1946. Some writers see this period as determinative for later developments in terms of state-minority relations, e.g. new conceptions of state role, some reforms benefitting disadvantaged social sectors, the advent of anthropological studies, checks to Church power, changing views on race and gender roles.
1931	Formation of the Indigenous League of the Sierra Nevada, linked to the Magdalena Workers Federation.
1932	Advocacy of Indian rights against large landholders (especially in Cauca) appeared in Communist newspaper *Tierra*. (NB Despite his beliefs and activities, Quintín Lame was opposed to the Communist party owing to his profound Catholicism.)

[492] This event was re-created by Gabriel García Márquez in his novel "One Hundred Years of Solitude".

1934	Capuchin Fr. Castellvi established Centre for Linguistic Research of Colombian Amazonia, to produce linguistic and ethnographic manuals for the missions – i.e., there was some engagement with native languages by missionaries. (In parts of the Amazonian region of Vaupés, where language-defined exogamy means everyone masters between two and five languages, Salesian missionaries utilised Tukano and prohibited the use of other tongues.)
1934	Eutiquio Timoté of the Pijao people (from the department of Tolima, northeast of Cauca; Quintín Lame spent years working with these groups), founder of short-lived National Council of Indians in early 1920s, was presidential candidate for the Communist Party. Timoté was soundly defeated by the Liberal Alfonso López Pumarejo (following internal divisions, the Conservatives abstained), whose presidency was known as the "Revolution in march / ongoing revolution" for the quantity of reforms attempted. López Pumarejo's 1936 reform to the 1886 Constitution was influenced by the Second Spanish Republic's 1931 constitution and the interventionist ideas of John Maynard Keynes and Franklin Roosevelt's New Deal, introducing new conceptions of the state's role and the social function of property. He boosted funding to the National University, encouraging research and modernising its rules, thus preparing it for the arrival of European academics fleeing war/Nazism/Francoism who transformed Colombian academia, especially in anthropology. However reforms regarding taxation, labour rights and land redistribution were checked by strong opposition from business and landholding interests, who coincided with the political elites dominant in both Liberal and Conservative parties. Church influence over education was reduced, for example by reducing the hours allocated to religious instruction.
1935	Founding of Archeological Society (attached to Education Ministry from 1935, due to positive attitude of Liberal government) by Gregorio Hernández, a white intellectual associated with the Bachue group. This was a period of archaeological discovery in Colombia, inspired by the work in Mexico and Peru. There was also growth in ethnological studies of indigenous peoples, in step with development of *indigenismo* in Mexico and other countries. *Indigenistas*[493] sought to defend Indians against the state and the Church and promote their development, distinguishing it from the romantic idealisations of previous pro-Indian advocates. However, by the 1960s *indigenismo* was discredited for being yet another colonial imposition on indigenous realities that led to assimilationist consequences.
1939	Antonio Garcia Nossa published "Past and present of the Indian", stressing importance of restitution of communally held lands. In 1944 Juan Friede published a work on Indian struggles for land in Cauca, seeing collective land holding as the essence of indigenous ethnic identity (rather than culture, which he considered to have largely disappeared). Both had known Quintín Lame.
1941	*Indigenista* Institute of Colombia created as a branch of inter-American network created by a congress in Mexico that proposed an education policy recognizing "the importance of indigenous languages as an aspect of the indigenous personality, and similarly their use in the early stages of the educational and vocational preparation among the Indians". It worked for protection of *resguardos*. Colombia signed a convention with respect to the inter-American parent network in 1943, its first international legal commitment in relation to indigenous issues.
1941	National Ethnological Institute established in 1941 (it later become **ICANH**, Colombian Institute for Anthropology and History), again with impetus from Gregorio Hernández but

[493] I retain the forms *indigenismo* and *indigenistas* because in Spanish those terms specifically denote the 1930-50s movement and its patronizing and assimilationist foundations, whereas the English cognates "indigenism" and "indigenist" do not necessarily convey those nuances.

	also input from scholars such as French ethnologist Paul Paul Rivet who had escaped fascism and war in Europe. Rivet, invited by Liberal President Eduardo Santos, took refuge in Colombia between 1941 and 1943. He developed ethnological studies and founded the National Ethnological Institute Bogota and trained the first generation of Colombian anthropologists. His first field trips (Dec41/Jan 42) included studies that are still essential references, and greatly expanded the country's museum collections (Laurière 2006)
1942	Founding of **Caro & Cuervo Institute**, primarily dedicated to Spanish philology and literature, had its objectives elaborated in 1944 to include study of native languages, with a researcher appointed specifically. Now there are only two researchers for the latter, but the whole body has been under-funded since the 1990s.
1943	Colombian Society for Aboriginal Languages founded.
1945	Colombia signed UN Charter and Statute of International Court of Justice, and in 1951 approved the Charter of the OAS (Organisation of American States). Indeed in the post-WW2 era Colombia has been a signatory of the majority of international treaties, including those regarding human rights, normally signing upon introduction and securing congressional ratification soon after.
1946	*Having considered issues of "native labour" in European colonies since 1921, culminating in the issue of convention and recommendations on "indigenous workers" in 1939, the ILO (International Labour Organisation) was asked – by a conference of its member states in the Americas, with strong influence from indigenista ideas – to establish an expert committee on problems of indigenous populations worldwide.*[494]
1946	Conservative recapture of presidency with resultant reversal of pro-indigenous actions.[495]
1947	Arrival of Catholic missions on San Andrés island initiated processes of hispanicisation, accelerated by declaration of duty-free port status in 1953, which encouraged mainlander immigration; Providencia was not declared a free port (so islanders are still the majority there).
April 1948	*The 9th Pan-American Conference (meeting in Bogotá) founded the OAS (Organization of American States). Colombia signed both the OAS Charter and American Declaration of the Rights and Duties of Man; the former commits states to social, cultural and economic development for all, the latter enumerates rights to inter alia education, expression, assembly and the benefits of culture; neither instrument mentions ethnic minorities or linguistic rights, but both emphasise that rights are to be enjoyed without distinction as to "race, sex, language, creed or any other factor".*
April 1948	Whilst the 9th Pan-American Conference met in Bogotá, populist Liberal presidential candidate Eliecer Gaitan was assassinated in the city centre. Low-level violence had been occurring in the countryside since the Liberals took power in 1930, and continued after the 1946 Conservative victory. Gaitan supporters wrought destruction in the capital, and Conservatives retaliated (with the government on their side), sparking the period of bloodshed known as *La Violencia*: up to 400,000 killed, many more displaced, widespread usurpation of lands. Some leftwing Liberals took advantage of Colombia's challenging topography to commence insurgency fighting that prefigured revolutionary guerrillas.
Dec 1948	*Universal Declaration of Human Rights (UDHR) adopted by UN General Assembly, with*

[494] Rodríguez-Piñero 2005
[495] Pineda Camacho 2002

	Colombia voting in favour. No minority clauses included in final version; education should "promote understanding, tolerance and friendship among all nations, racial or religious groups", and parents have "prior right to choose the kind of education that shall be given to their children"; and "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."
1951	*Creation of Asociación de Academias de la Lengua Española*
1953	*Following recommendations of the committee of experts convened in 1951, the ILO published a book on living and working conditions of indigenous populations, and established the Andean Indian Program with the UN.*
1953	Conservative government signs new mission agreement strengthening role of missionaries in education ("Contracted Education") and also administration in vast expanses of the interior. This president, Laureano Gómez, had publicly expressed views about racial inferiority of blacks and Indians as obstacles to Colombian progress.
1953	*After convening meetings of experts, UNESCO Report established a position in favour of use of vernacular languages in education. Henceforth UNESCO documents consistently advocate use of mother tongues for at least the initial stages of schooling.*
June 1953	In order to end an unpopular Conservative presidency and quell continuing unrest, a peaceful coup supported by both parties installed General Gustavo Rojas Pinilla as president. He introduced various reforms of a liberal nature, such as female suffrage and spending on social infrastructure.
May 1957	After major protests and with the support of both parties, another peaceful coup[496] installed a military junta to govern until elections can be held the following May. The Liberals and Conservatives agreed to create the National Front, under which the parties would alternate in the presidency (by only one putting forward a candidate in the elections) from 1958 to 1974 and divide up other positions (in Cabinet and also bureaucratic posts) between them equally. The Liberals held the first National Front presidency, Aug 1958-Aug 1962 and took steps towards agrarian reform. In the context of ongoing persecution of Communists and leftwing Liberals in some areas, resentment began to mount amongst sectors excluded from political life by this pact. Some of the rebels established *republiquetas* (mini-republics) in isolated parts of the country.
1957	*The ILO released Convention 107 on the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries, which imposed policy principles on the state in terms of treatment of native communities. Most of its signatories were Latin American countries. Colombia was one of the region's early signatories and soon felt its influence, despite not ratifying it until 1967.*
1958	Under the new Liberal government, Law 81 inhibited dissolution of *resguardos* and provided for indigenous agricultural development. It also created the National Indigenous Institute, headed by Gregorio Hernández, the anthropologist who had founded the Archaeological Society; he invited the ILO to bring the Andean Indian Program, operating in neighbouring countries since 1953, which aimed for indigenous development through strengthening of ethnic institutions.
1959	*Early developments in bilingual education for indigenous students in several Latin American*

[496] Always described as the "Coup of public opinion".

	countries, e.g. training colleges for bilingual teachers established for various Guatemalan ethnicities, although not yet in Colombia.
1959	*Colombia finally ratified the 1948 Genocide Convention, which it had signed in 1949.* *[Note that the final form of this convention did not include proposals to cover ethnocide or cultural genocide. The only element of the crime's definition that does not involve killing, harming or limiting births is "Forcibly transferring children of the group to another group". In terms of circumstances of language loss (and noting the requirement of an intent to destroy a group in whole or part), this is the only part likely to involve a breach of responsibility by modern settler states, e.g. Australia's stolen generations.]*
1959	*OAS established Inter-American Commission on Human Rights. The rights of indigenous communities have frequently been part of its work; so too a number of cases related to the Colombian armed conflict.*
1960	*Reacting to the 1959 Cuban Revolution, the USA used the Punta del Este conference to urge (with the offer of financial assistance) Latin American countries to undertake agrarian reform in order to reduce unrest.*
1960	Decree 1634 created Division of Indigenous Affairs (replacing the 1958 Institute) within the Interior Ministry[497], Gregorio Hernández again appointed as director.
1961	Law 135 created INCORA, the national agrarian reform body, which facilitated the creation of new *resguardos*. In the late 1960s[498] it often collaborated with ANUC, an organisation created under government auspices (with the intention of keeping control of potentially destabilising forces, mindful of the recent 1959 Cuban Revolution) dedicated to securing land for peasants (*campesinos*).
1962	Liberal government entered education contract with Wycliffe Bible Translators, subsequently renamed Summer Institute of Linguistics (**SIL**), a Texas-based entity that seeks to evangelize native peoples of the world through their respective languages via language study, developing alphabets and implementing practices of reading and writing. Gregorio Hernández, Director of Indigenous Affairs, saw them as a potential counterweight to Catholic power, as had the Mexican government earlier. Latin American anthropologists soon came to be extremely hostile to the work of SIL, as did the indigenous organisations born in the 1970s and 80s, and many countries later expelled their missionaries.
1964	Birth of **FARC** (Revolutionary Armed Forces of Colombia) and of ELN (Army for National Liberation) in a period also marked by strikes and student marches in the cities. Over the years FARC conquered extensive tracts of both isolated and settled areas, establishing structures of a parallel state when it was able to maintain control. It was noted for its extortion (levying "taxes"), kidnapping and killing of landowners. In the 1960s there were known to have been indigenous members of the Liberal guerrilla groups that FARC grew out of in various departments, notably among Nasa and Pijao settlers of the eastern plains. Similarly Zenu Indians who were fighting to recover lost *resguardo* lands were among those who formed the EPL (Popular Liberation Army), which initially had a Maoist orientation, in 1965 in the northwest.[499] In this period these and other guerrilla organisations were supported by many who advocated social change.

[497] Then called *Ministro de Gobierno* (Ministry of Government).
[498] Agrarian reform laws were disregarded by the Conservative government of 1962-66 (Safford & Palacios 2002, 327).
[499] Villa & Houghton 2004, 29

1965	Presidential decree authorised creation of private security forces for protection against guerrillas, with a 1968 law to the same effect, while military manuals encouraged the formation of paramilitary organizations to aid efforts against guerrilla activity. Thus landowners were able to take arms against perceived revolutionaries, and the scene was set for new scenarios of violence in the hinterlands (the cities were rarely affected before the mid-1980s).
1960s	*Growing indigenous activism in Latin American countries with larger indigenous populations, notably Ecuador, where Indians were active in the Socialist Party since 1926 and later the Communist Party, and founded an Ecuadorian Indigenous Federation in 1941. Particular issues were agrarian reform and labour rights.*[500]
1967	Colombia ratified 1957 ILO Convention 107 on the Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries. Within a few years it was being criticised at home and abroad as being too paternalistic and assimilationist.
1967	Colombia signed 1966 International Convention on the Elimination of All Forms of Racial Discrimination (but not ratified by Congress until 1981).
1967	In the Llanos (eastern plains region between Bogota and the Orinoco) a group of *mestizo* colonists invited an extended family of Guahibo Indians to eat, and then brutally massacred them all, including small children. The first instance court found them not guilty because they claimed not to have known that it was wrong to kill Indians. A higher court overturned the decision and sentenced them to prison.
April 1968	Missions Department of Latin American Episcopal Conference held the continent's first Catholic missionary congress (in Colombian town of Melgar), in which anthropologists and sociologists also participated. Citing the reforming spirit of the 2nd Vatican Council (1962–65), the conclusions spoke of the continent's cultural diversity, the need to avoid ethnocide and integrationist policies and to encourage the birth of churches growing from each people's cultural identity, the loss of traditional values following contact with Western culture, and the need to train missionaries in the fundamentals of anthropology and linguistics. Gradually these new attitudes filtered through to some of the Catholic missions in indigenous communities, allowing for a respect for native language, culture and spirituality that not existed before.
Aug 1968	2nd Conference of the Latin American Episcopal Council, in Medellín: despite strong opposition by conservative prelates who saw liberation theology as an inappropriate politicisation of Christ's teachings,[501] the event enabled a networking of clergy who, prompted by the reformist pronouncements of the 2nd Vatican Council and by new social and political thinking, did support a socially liberationist approach to improve the lives of the poor and oppressed. Its most extreme expression saw some clergy embrace violent revolution, most famously the Colombian priest and sociologist Camilo Torres who became an ELN guerrilla in 1965 (and was killed in his first combat).[502] Liberation theology's

[500] Becker 2008

[501] And who prevailed in almost prohibiting the movement at the next such conference, in 1979 in Puebla in Mexico, at which point John Paul II and Cardinal Ratzinger re-entrenched hardline conservativism in the Latin American hierarchy.

[502] Torres pioneered Latin American urban sociology in his doctoral thesis at Louvain, and in 1960 he co-founded Latin America's first sociology faculty, at the Colombian National University, with others who believed in linking study with social action. Torres' status of guerrilla martyr inspired Spanish priest Manuel Pérez Martínez to join the ELN; "Priest Pérez" was its commander-in-chief from the early 1970s until his 1998 death.

	emphasis on social action for the underprivileged also encouraged collaborations with indigenous communities.
1968	Creation of Colcultura (Colombian Institute of Culture), predecessor body to the Culture Ministry. Attached to Education Ministry. Responsible for developing plans for study and encouragement of arts and letters; cultivation of national folklore; establishing libraries, museums and cultural centres; and other cultural activities. Three subdivisions: Cultural Heritage, Cultural Communications and Fine Arts. No specific mention of indigenity or ethnic groups at this stage.
1970	*UN Sub-Commission for Prevention of Discrimination and Protection of Minorities recommended that a study be made regarding discrimination against indigenous population; Special Rapporteur José Martínez Cobo worked from 1973 and submitted his report through 1982-82. The UN Working Group on Indigenous Populations (established 1982) grew out of these processes, as did dedication of 1973-1982 as UN Decade to Combat Racism and Racial Discrimination.*
Jan 1971	*15 anthropologists (including two Colombians; none indigenous) participating in the Symposium on Inter-Ethnic Conflict in South America released "Declaration of Barbados - For the Liberation of the Indians": takes critical position re responsibility of state, culpability of religious missions for ethnocide (advocated a radical reorientation of their activities pending a complete suspension) and role of anthropologists; demands that states guarantee rights to identity, land, legal system, and protection from state and non-state attacks (and from contact with the West in case of uncontacted tribes). Very influential: "strong repercussions among academics, the indigenist sectors of the State bureaucracies, Catholic and Protestant missionaries, and, most of all, among organized indigenous groups … [some of which] adopted it and used it as an instrument of struggle"[503]. Widespread deployment by Indian organisations of this document written by non-natives anticipates the later emphasis on ILO Convention 169 (as well as showing the influence of anthropologists, much greater in Latin America than in the Anglosphere).*
1971	Formation of **CRIC** (Regional Indigenous Council of **Cauca**), splitting off from peasant group ANUC as the difference between peasant and indigenous situations became clearer.[504] Cauca has the country's second largest indigenous population, a history of grievances regarding land, and the particularly vocal Nasa and Guambianos. Six smaller indigenous peoples have also been involved with CRIC since the beginning; four of those shifted completely to Spanish in earlier centuries, while the Totoró people risk losing their language in the near future.[505] Their efforts saw an end to the feudalistic obligation of *terraje*, whereby Indian tenants were obliged to devote much of their working time to labours for the landowner, despite living on their ancestral territory. CRIC's initial platform included self-government, return of lands, cultural consolidation and indigenous education, including use of language. The education effort built on work done with SIL missionaries since 1965, but gradually becomes a CRIC

[503] Varese 1993. The Barbados I Declaration was also utilised in the Martínez Cobo's 1982/83 report to the UN on discrimination against indigenous populations.
[504] In the face of strong opposition from the landowning class, INCORA suspended distribution of lands in 1971 (and the two parties agreed to abandon distribution completely in 1972; Safford & Palacios 2002, 328), explaining the need for Indians to take matters into their own hands.
[505] The Totoró case is an interesting one: linguists confirm that they speak the same traditional language, Namtrik, as the Guambianos, but they identify as a separate people, and their leaders additionally insist that the Totoró language is also distinct. As a consequence it has been necessary to prepare separate materials for ethno-education activities in the language, rather than simply utilize the relatively extensive textbooks and other didactic materials that exist in Guambiano.

	enterprise, with considerable collaboration with linguistics and anthropologists in the **University of Cauca**. In retribution for their demands for their traditional lands, many CRIC leaders and other activists were murdered in the years that follow (by 1979, 30 CRIC leaders had been killed and 40 imprisoned), with police and military often aiding the big landowners.
1972	Inter-American Commission on Human Rights stated that for historic, moral and humanitarian reasons, the states had a commitment to give special protection to indigenous peoples.
	Lewis, M. Paul, Gary F. Simons, and Charles D. Fennig (eds.). 2013. *Ethnologue: Languages of the World, Seventeenth edition.* Dallas, Texas: SIL International. Online version: http://www.ethnologue.com. Ethnologue for Colombia shows that **early 1970s there cartillas published jointly by Ministerio de Gobierno and Instituto Lingüístico de Verano** (eg in 1973 for Wayuunaiki).
1973	New missions treaty with Catholic Church widened state role in indigenous education and in administration in isolated areas. In fulfilment of the 1968 Latin American missionary conference's call for educating missionaries in anthropology and linguistics, the Missionary Institute of Anthropology was established with headquarters in Medellín and campuses in isolated areas of high indigenous population. Its subsequent focus has been to educate indigenous and Afro-Colombians for work in their communities, particularly as teachers; it has thus been offering ethno-education teacher degrees since the late 1980s.
1973	Colombia ratified the OAS 1969 American Convention on Human Rights. Includes right of the accused to be assisted without charge by a translator or interpreter, if he does not understand or speak the language of the tribunal/court; and state obligation to ensure "free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin". No other minority protections.
1974	Arhuaco Indigenous Organization and Council formed with territorial and cultural goals; later embraced other Sierra Nevada peoples and became Tairona Indigenous Council (CIT). Like CRIC in the Cauca department, CIT was a pioneer in establishing endogenous education projects, and in building national and transnational links with other organisations and social movements.
1974	Quintín Lame Armed Movement (MAQL) emerged to provide self-defence in the face of killings of Indian leaders (especially in Cauca), apparently ordered by landowners or the military. Its members were a mix of indigenous and non-indigenous. Turning to offensive guerrilla actions in the 1980s, it demobilised in 1991 in time to receive a non-voting seat in the assembly that drafted the new constitution.
Aug 1974	Liberal Alfonso López Michelsen took office as president.[506] His national development plan "Close the breach" created spaces favourable to the nascent indigenous organisations (e.g. through addressing rural poverty) and to his Education Ministry's issue of ethno-education regulations in 1978.
1975	*First General Assembly of World Council of Indigenous Peoples, held in Canada with*

[506] Son of reforming president Alfonso López Pumarejo (1934-38 and 1942-45), both his opponents in the election were also presidential progeny. A surprising number of Colombian presidents are the sons or other near relatives of earlier heads of state (current president Juan Manuel Santos is great-nephew of Eduardo Santos Montejo, president 1938-42) and family connections are even more evident when cabinets and congresses are considered – testament to the domination of Colombian politics by privileged elites.

	participation by Colombian and other Latin American Indians.
1975	Massacre of Emberá-Katío Indians in dispute with landowners re gold extraction.
1976	Creation of CIMARRÓN, first Afro-Colombian activist group, inspired to a large degree by the US civil rights movements. Around the same time, black academics established two centres devoted to research into Afro-Colombian issues.
1976	New Colombian education law increased role of state and reduced that of Catholic and Protestant missions, mentioned right of indigenous communities to receive *educación propia* (community-generated or endogenous education). That law meant public schooling on the Caribbean islands of **San Andrés & Providencia** switched from English to Spanish (as yet no discussion re teaching in the Afro-English creole of the *Raizales*), the reason why today's younger generation tends to use Spanish for formal purposes and lack full competence in standard English, especially of formal registers.
1977	*2nd Declaration of Barbados, this time with equal number of whites and indigenous (from 11 countries) included in the meeting (attending at personal risk in some cases, given new context of oppressive military regimes in much of continent), proposing strategies against cultural and economic domination); influential although less so than first declaration. The same year saw Regional Congress of Indigenous Peoples of Central America, 1s Circumpolar Inuit Conference, 2nd General Assembly of World Council of Indigenous Peoples, attesting to a sudden boom in cross-border networking. Resolutions emphasised demands for returns of lands, self-government, control of education, and rights to maintain culture and language, while denouncing cultural assimilation as ethnocide.[507] Similar statements came out of the UN's fourth International NGO Conference on Discrimination, dedicated to the issue of indigenous peoples in the Americas; this gathering requested specific actions by a range of UN bodies.[508]*
1978	Group of interested **Education Ministry** officials pushed the release of a ministerial decree (regulation for 1976 law) that implemented the right established in the 1976 education law by authorizing "**ethno-education**" (called bilingual intercultural education in the rest of Latin America; development had been strong in Mexico and Peru since the 1960s) in indigenous schools, using indigenous languages. It effectively authorised the programs already commenced by CRIC in the Cauca and by CIT in the Sierra Nevada. It did not refer to distinctive education for Palenqueros or Raizales, nor for Afro-Colombians in general, nor for Roma. (Subsequent publications confirm influence by "ethno-development" ideas of Bonfil Batalla, Mexican anthropologist involved in the Barbados Declarations.)
Late 1978	After a 1977 general strike, growing Communist activity, and a daring capture of arms from a Bogota military base by the intellectual-dominated M-19 guerrillas, newly elected Liberal President Julio César Turbay introduced a strict Security Statute. This measure sustained a crackdown on agrarian movements that impacted strongly on indigenous activists in Cauca and other areas of western Colombia (eg detentions and tortures of the president and other

[507] The 2nd Declaration of Barbados, the resolutions of the 2nd General Assembly of World Council of Indigenous Peoples and the conclusions of the International NGO Conference all included fierce criticisms of the work of SIL (Summer Institute of Linguistics), noting the cultural harm caused by its evangelisation efforts – and also accusing it of trying to fragment languages into dialects and of denying the full possibilities of indigenous languages.

[508] One of which was a recommendation that ILO Convention 107 of 1959 be rewritten to remove its integrationist orientation. This conference also produced a Draft Declaration of Principles for the Defence of the Indigenous Nations and Peoples of the Western Hemisphere.

	executive members of CRIC for allegedly supporting M-19 actions, as well as continued killings), but also served to feed support for subversive activity.[509]
1979	*Establishment of Inter-American Court of Human Rights to adjudicate on claims of violations of human rights by states that are party to the American Convention of Human Rights. A number of decisions have dealt with indigenous and Afro-descendant communities, for example claims to land, reparations for massacres, and economic, social and cultural rights. It has increasingly interpreted the American Convention in the light of other instruments so as to expand the content of the former's dispositions: it reads the right to property as giving indigenous communities the right to hold collective lands, and the right to education as implying culturally appropriate schooling for Indian children so as to accord with the Convention on the Rights of the Child.*
1980	*First Congress of Indian Movements of South America held near Cuzco, Peru.*[510]
1980	First Colombian National Indigenous Meeting, which led to the establishment in 1982 of umbrella entity **ONIC** (National Indigenous Organisation of Colombia).
Feb 1981	FARC killed seven CRIC members it accused of being counter-revolutionaries. By 1986 over 100 people had been killed by FARC in indigenous communities.[511] CRIC made a number of declarations denouncing all forms of intervention in its communities' by external armed actors. It also developed peace proposals that worked towards the demobilisation of various guerrilla groups, leading the push by social movements for a negotiated peace.
1981	*Declaration of San José made at UNESCO seminar regarding ethnocide and ethno-development.*
1981	Ratification of 1966 International Convention on the Elimination of All Forms of Racial Discrimination (which Colombia signed in 1967).
1982	*Establishment of UN Working Group on Indigenous Populations*
1982	The Arhuaco people of the Sierra Nevada expel Capuchin missionaries and begin running their own school system.
1982	The Education Ministry held the first of several congresses with participation of indigenous organisations and universities to work on ethno-education programs.
1982	A group of white lawyers and anthropologists working with the government of the key department of Antioquia (relatively wealthy, populous, and centred on the industrial powerhouse of Medellín), who had previously worked on indigenous programs with the land reform body INCORA, supported and in many cases initiated organisational efforts and re-formation of *resguardos* and *cabildos*, encouraged groups beginning to "re-indianise" or emerge from invisibility, and commenced ethno-education efforts in the departmental

[509] Villa & Houghton 2004, 88.

[510] 1980 also witnessed a second Inuit Circumpolar Conference and the formation of a Union of Indian Nations in Brazil. In 1981 the 3rd General Assembly of the World Council of Indigenous People was held in Canberra with a focus on securing an international convention; there was also another International NGO Conference at the UN in Geneva, this time re indigenous peoples and land. This demonstrates the international background to the formation of ONIC, the ethno-education congresses held by the Colombian Education, the work by linguists from 1984 and the rolling out of ethno-education in and by indigenous communities.

[511] Ramos 2002, 261.

	education secretariat – an example of the key role played by non-indigenous actors at various times, whether in universities, public instrumentalities or NGOs.[512] By the late 1980s a number of national agencies had pro-indigenous employees who were able to direct their labours to assisting indigenous communities and the 1983-86 National Development Plan had a program specifically for indigenous peoples.[513]
1982	Paramilitary organisation MAS (Death to Kidnappers) created with support from Pablo Escobar, ranchers, business people and politicians. Other paramilitary groups began forming in other areas around the same time, notably ACCU (Rural Self-defence Forces of Córdoba y Urabá) in ranching areas in the northwest. Ostensibly intended to protect people from kidnappings, murders and extortions by the guerrillas, they soon kick off the wave of killings of unionists, teachers, community activists, leftwing local politicians and peasants suspected of aiding guerrillas (with entire villages sometimes massacred) that carries on to the present day, and that has hit many ethnic communities in Colombia. They are known to have received police or military support in various forms; it was common for state forces to withdraw from communities as paramilitaries approached, leaving them free to carry out "social cleansing", which included murders of petty criminals, prostitutes, gays and transsexuals, as well as alleged guerrilla sympathisers, who included unionists, community activists and human rights campaigners.
1982-83	*Publication of components of "Study of the Problem of Discrimination Against Indigenous Populations" by UN Special Rapporteur José Martínez Cobo, including critical surveys of worldwide law and practice re language rights, education and culture.*
1984	Having recovered the presidency for the Conservatives in August 1982, Belisario Betancourt signed ceasefire accords with FARC, EPL and M-19. This set the basis for some FARC members to demobilise and form, with Communists and other leftists, the Patriotic Union, which began to contest elections with considerable success. However, elements within the police and armed forces, and the paramilitary groups they had been encouraging, staged attacks against the guerrilla organisations and their demobilising members, so the accords were denounced or ignored.
1984	Trio led by French Basque anthropologist & linguist **Jon Landaburu** founded Masters program in Ethnolinguistics at the private Los Andes University. For the first time the non-religious sector made serious efforts with respect to linguistic collaborations with indigenous communities – one motivation was to create an alternative to the evangelists of SIL; scholarships provided for significant number of indigenous students and one from the Palenquero community. In the following few years, ethnolinguistics programs were established at University of Cauca and National University, while teacher-training degrees specialising in ethno-education come to be offered at five universities.
1984	Education Ministry established the first tripartite commission involving the ministry, a departmental government and local indigenous authorities. In 1985 a dedicated Ethno-education Unit was constituted within the Ministry (no longer existing).
Nov 1985	M-19 guerrilla group captured national Palace of Justice; 11 Supreme Court justices were among the 100+ people killed during the violent recapture by the Army (the 10 cafeteria staff "disappeared", possibly captured, tortured and killed by the Army for suspicion of abetting guerrilla entry). Still a polarising topic, many Colombians are more critical of the

[512] But this time reflecting the new spirit of Barbados I and the meetings and documents that followed it through the 1970s, rather than the *indigenismo* of someone like Gregorio Hernández several decades earlier.
[513] Lozano 2010

	Army than of M-19, composed principally of educated urban revolutionaries whose message resonated with radical thinkers.[514] (Extraordinarily, this tragedy was overshadowed just a week later when a volcanic explosion destroyed the town of Armero, killing 23,000 people. It is alleged that the Army threw bodies of the Palace of Justice cafeteria staff into mass graves of Armero corpses brought to Bogota.)
1986	Virgilio Barco's presidency, with recognition of indigenous ownership over vast areas of Amazonia.
1986	Commencement of wave of assassination of candidates and officials of the Patriotic Union (formed by former FARC members, Communists and other leftists after the 1984 ceasefire agreements). Between then and 1994 over 1600 of its members were killed in what is labelled a "political genocide".
1986	National Committee of Aboriginal Linguistics formed, administered by the anthropology institute ICANH and conformed by academic, non-indigenous experts; a new director of ICANH ceased convening it in the mid-1990s. Its publication was also short-lived. Indicative of a lack of continuity and consistency by institutions with respect to native languages.
1987	*Nicaraguan Constitution: states that the Nicaraguan people is multiethnic in nature; and that Spanish is official but with "official use in the cases established by law" for the languages of the Atlantic Coast communities, being an English-based creole very close to that of San Andrés plus indigenous tongues. Introduced to create peace between Sandinista government and the Atlantic communities, for which two autonomous regions were created. Those regions later commenced education programs in English, Creole and the native tongues.*
1987	Massacre by Army-backed paramilitaries in northwest over 70 Embera Indians in dispute over mining land, part of a total of 93 political killings and 9 disappearances of Indians recorded during the year.
1988	In 1988 Landaburu's ethnolinguistics team at the University of Los Andes established CCELA (Colombian Centre for Studies of Aboriginal Languages), with significant French funding, which published numerous grammars and other works by its large team of researchers. In 2000 Landaburu resigned and CCELA practically ceased to exist when the university refused to replace the French financing; as of 2011 it has one staff member and no other research, and no longer offers the Masters. Almost all CCELA graduates were contracted by Education Ministry or by pilot/experimental ethno-education centres (e.g. two of the indigenous ethnolinguists that Landaburu selected as national coordinators for the 2008 ethnolinguistic diversity program, Rosalba Jimenez and Simon Valencia, were employed by Education Ministry soon after the introduction of the 1991 Constitution).
1988	*Protocol of San Salvador to the American Convention on Human Rights in the area of Economic, Social, and Cultural Rights – not ratified by Colombia until 1997. Article 13 provides "education ought to enable everyone to participate effectively in a democratic and pluralistic society…and should foster understanding, tolerance and friendship among…all racial, ethnic or religious groups" but does not mention minority-appropriate or bilingual schooling.*

[514] It is common to hear the re-taking of the Palace of Justice characterised as a military coup d'état (particularly by the kind of people who regard the M-19 as idealists to be admired, but not exclusively). A Bogotá court has just ordered (30 Jan 2012) that the Army make a public apology in the central square of the capital for its actions in the tragic event – a decision several criticised by ex-President Uribe and many other rightwing voices.

1988	*After lengthy military rule, a new Brazilian Constitution recognised indigenous peoples as the original inhabitants and acknowledged rights to traditional lands and ways of life. But they were still bound by a 1973 Indian Statute that made them wards of a state protective entity; even in 2012 legislative detail is still incomplete (eg for demarcation of lands, a particularly contentious issue).*[515]
Late 1988	*Indigenous voices began to be raised against Spanish proposals to celebrate the Fifth Centenary of the "Discovery" of the Americas in 1992. Spain was forced to engage with issues of genocide and ethnocide following attention in international media and academia. This attention was part of the backdrop against which Colombia's constitutionalisation of indigenous rights played out.*
Nov 1989	*General Assembly of OAS (Organisation of American States) requested Inter-American Commission on Human Rights to prepare a legal instrument re human rights of indigenous peoples", to be adopted in 1992. The Proposed American Declaration on the Rights of Indigenous Peoples was made available in 1997 and a Working Group formed in 1999. However, the negotiations process has been drawn out and the Jan 2011 meetings saw only limited advance.*
1989	Late 1980s escalation of guerrilla conflict augmented by rise of paramilitaries and a wave of drug cartel violence, with "war against the state" by Medellín druglord Pablo Escobar[516]; increased corruption at all levels. The Justice Minister and four presidential candidates were assassinated in 1989-1990, including Liberal frontrunner Luis Carlos Galán (by drug cartels concerned at his support for extradition treaty with the US), plus hundreds of other candidates and office holders (including all those of the Patriotic Union), as well as judges, employees of the justice system, police and journalists. Massacres by paramilitaries increased, especially in late 1988/early 1989.[517]
Nov 1989	110 people killed by bomb on Avianca flight from Bogota to Cali in attempt by Pablo Escobar to assassinate Liberal presidential candidate César Gaviria (who was not on board; he replaced the assassinated Galán as candidate and ended up winning the 1990 election). Nine days later a massive car bomb directed at DAS (Department of Administrative Security, i.e. intelligence services) headquarters in Bogota killed over 70 people, many of them nearby residents.
1990	After massive student campaign ("Séptima Papeleta": persuading voters to add a seventh, unofficial ballot paper during congressional elections) focused on the need to re-found Colombia's institutions, and with support from the Liberal government[518], the Supreme Court agreed to a referendum on creating a new constitution. After resounding approval for change in that referendum, another vote was held to elect aConstituent Assembly. With opposition from some conservative elements, turnout was only 27%; the elected Constituents included recently demobilised guerrillas from M-19 and two smaller rebel groups.[519] Liberals and the leftwing party Democratic Alliance/M-19 formed the biggest

[515] Despite its famed success at modernizing, Brazil's legal framework regarding indigenous rights lags noticeably behind those of all of Spanish-speaking South America, except possibly for Chile. At the symbolic level its constitution also falls short of the multicultural orientation professed by those of its neighbours.
[516] Much as has happened in contemporary Mexico, the drug violence escalated once Liberal President Virgilio Barco (1986-90) tried to crack down on their activities. Barco also implemented a platform of reforms (including the election of mayors) that did something to set the scene for the drafting of the 1991 Constitution.
[517] Between 1981 and 1990 the national murder rate soared from 36 per 100,000 to 80.
[518] First from outgoing Virgilio Barco, then from the new president, Cesar Gaviria, from August 1990.
[519] Including two members of the largely decimated Patriotic Union. Prior to the Assembly election, there had been discussions about FARC demobilising with a view to participating in the processes of creating a new

	blocs. Two indigenous leaders were elected; they attracted favourable media attention, delivered first ever speech made in the Congress chamber in a native language, and advocated for rights of Afro-Colombians (who did not get a representative elected to the Assembly[520]), collaborating with leftwing and Liberal elements.[521] The fine balance between the parties in the Assembly gave the indigenous representatives a strategic advantage in gaining support for their demands.
1990	*The Inter-American Commission on Human Rights established the post of Rapporteur for the Rights of Indigenous Peoples.*
June 1990	*First Continental Encounter of Indigenous Peoples of the Americas (Quito, Ecuador), which produced an important declaration on Indian rights.*
Oct 1990	*US Congress passed Native American Languages Act, declaring it US policy to preserve and promote rights of Native Americans to practice and develop their languages, including use as medium of instruction.[522] The impetus was 1980s Indian activism and support from Hawaiian state legislature.[523]*
Feb 1991	Demobilised EPL guerrillas formed a political movement called "Hope, Peace & Liberty" but 204 of them were assassinated by FARC over the next four years.[524]
March 1991	Colombian Congress ratified **ILO Convention 169** of 1989 on Indigenous and Tribal Peoples (one of first Latin American countries to do so). States to "consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly"; education to address cultural aspirations and involve communities in formulating and implementing education programmes, with right to establish their own educational institutions and facilities, and appropriate resources provided by the state; children to be taught wherever practicable to read and write in their own indigenous language; states to take measures to preserve and promote the development and practice of indigenous languages.
May 1991	Under the terms of the demobilisation treaty with the indigenous-dominated MAQL (Quintín Lame Armed Movement), one of its members (a Nasa Indian) was included in the Constituent Assembly (although without voting rights), so too a guerrilla from the demobilised PRT (Revolutionary Workers Party), thereby further boosting the leftwing and pro-minority camp within the Assembly.
June	Foundation of Indigenous Social Alliance, which became one of several political parties that

constitution. However, the very morning of the elections, the armed forces conducted a lightning attack on a key FARC base, and negotiations ended. Like the army's brutal response to the 1985 M-19 takeover of the Palace of Justice, this action has been seen as an example of the military's opposition to efforts to achieve a negotiated end to the conflict, and its willingness to force its own preferences on the government.

[520] Owing to a failure to present unified tickets successfully, but also perhaps reflecting the much less definite nature of the Afro-Colombian identity at the time.

[521] Democratic Alliance/M-19 included Orlando Fals Borda, the "father" of Latin American sociology (friend and colleague of the fallen guerrilla-priest Camilo Torres), who co-authored proposals on ethnic rights and territorial arrangements with Lorenzo Muelas, the Guambiano leader from Cauca; while it was a Liberal representative who proposed dual nationality for border peoples. On the other hand all three indigenous assembly members submitted documents advocating a full range of both first and second generation rights for all Colombians.

[522] A follow-up law in 1992 authorised increased funding for indigenous education programs.

[523] Auspiciously for the law's promoters, 1990 also saw the success of Dances with Wolves, transforming popular culture's depictions of autochthonous North Americans.

[524] Human Rights Watch 1998

1991	vied for the indigenous reserved seats in the Congress and other elected positions in the 1990s.[525]
June 1991	*UNESCO's Amerindia seminar in Chiapas, in anticipation of the re-badged 500th commemoration of the "Encounter of Two Worlds" that would occur in 1992, produced a declaration on state obligations to ensure indigenous economic and social well being and respect rights and cultural identity.*
4 July 1991	Promulgation of **1991 Constitution,** the most progressive in Latin America at the time. Articles regarding ethnic groups[526] included: recognition of Colombia as multiethnic and pluricultural, and of the equality and dignity of all the country's cultures; duty of state to protect cultural and natural resources; recognition of indigenous right to land, with *resguardos* recognised as collective property rights that cannot be sold or otherwise alienated; languages of ethnic groups deemed co-official in their territories; education for ethnic groups to be bilingual and directed to preserve and develop their cultural identity; provision for two indigenous seats in the Senate and [as effected by subsequent legislation] special seats for ethnic groups in the lower house; guaranteeing rights of ethnic groups over archaeological zones; exploitation of natural resources in indigenous territories to be with their participation and respecting their culture, society and economy; right to autonomy (indigenous territories to be entities with autonomy and right to own government, specific functions, own resources and transfers from the nation); right of indigenous peoples to exercise judicial functions in their territory; members of cross-border indigenous peoples have right to dual nationality. Other articles provided for: decentralisation accompanied by democratisation (elections of mayors, departmental governors); limits on extraordinary presidential powers; creation of oversight mechanisms; reforms to justice system, including creation of a new Constitutional Court; a full range of civil and political rights; rights to health, housing, culture and education; collective consumer and environmental rights; plebiscites and popular consultations. New channels for judicial enforcement of rights were the ***tutela*** writ for protection of fundamental rights, popular (collective) actions and actions for compliance (to force public entities to discharge their responsibilities). Birth of tendency to discuss Colombia as a multicultural state and to see "ethnic groups" as social and political actors (initially just indigenous and Afro-Colombian communities, later including Roma).
July 1991	*Declaration of Guadalajara in July 1991 at the Summit Meeting of Ibero-American States in Mexico: the first approved by Latin America's governments rather than activists and academics; a further indication of the new perceptions of indigenous issues that became dramatically visible at the moment of the new constitution's introduction.*
Dec 1991	Over 20 Nasa civilians massacred in Cauca – showing that the new legal paradigm had not changed brutal realities, as indigenous groups continued to be caught in the armed conflict between state, guerrilla and paramilitary agents.
1992	*Across the Americas, celebrations of the quincentenary of the first voyage of Columbus were upstaged by indigenous protests, reminding governments and mainstream society that the voyage initiated unparalleled genocidal processes.*

[525] At no point has there been a united Indian force in post-1991 electoral politics, however, Indian politicians have tended to be in specifically indigenous parties, unlike Afro-Colombians.
[526] Note that some articles are solely for the benefit of indigenous peoples, whereas others are for all ethnic groups.

Feb 1992	First sessions of Constitutional Court. For the next two decades most advances in human rights in Colombia took place as a result of its decisions, often its reviews of cases involving use of actions of *tutela* (the new writ for protection of fundamental rights), e.g. LGBT rights, limited abortion exceptions, invalidation of laws or development projects for lack of prior consultation with ethnic groups.
1992	Jon Landaburu and his team from CCELA worked with indigenous educators to translate part of the Constitution into seven native languages, a challenging labour given the lack not just of terminology but of the underlying western legal concepts. During these years, linguists in CCELA, University of Cauca and the National University worked on linguistic bases for expanding ethno-education efforts; for example, helping to reach agreement on orthographies for the previously completely oral native languages (frequently there were three competing alphabetic systems: one established by Catholic missionaries, one by the evangelists of SIL, and one by lay linguists from the universities) and to develop didactic materials.
1992	The governments of the Colombian province of La Guajira and the Venezuelan state of Zulia, home to the 300,000-strong Wayúu people who are the largest native group in both countries, simultaneously declared the Wayúu language as co-official in their jurisdictions. However, in most other Colombian provinces there were no efforts at such recognition and little collaboration from the provincial education secretariats – which is crucial given the decentralisation effected by the 1991 Constitution. (An exception is Antioquia, as mentioned in relation to 1982 above.)
1992	Departmental Ethno-education Committees created by Education Ministry, designed for consultation between national and departmental officials and Indian communities. Meanwhile, boosted by the new constitutional rights, more native peoples demanded ethno-education programs, and additional universities set up teacher training programs.
1993	Law 60 established mechanism for transfers of financial resources from the national funds to *resguardos* (based on a fixed per capita sum) via accords with municipal and departmental governments. In 1994 25.3% of these funds were applied to education projects. Access to funds has also changed the nature of the traditional authorities and spawned an indigenous local political class as well as enabling incidents of corruption and clientelism.[527] The transfer system has also encouraged the phenomenon of re-indianisation by communities who revive (and in some cases invent) indigenous identity, social practices, customs and organisational forms in order to have control of funds that otherwise would be held by the general municipal governments.
1993	Law 70, in fulfilment of Transitory Article 55 of the Constitution, endowed the Afro-Colombian communities of the Pacific coast with rights to collective land holdings, prior consultation and ethno-education. A Division of Black Communities' Affairs was created within the Interior Ministry (thus paralleling that for Indigenous Affairs), liaising with a new High Level Consultative Commission in representation of those communities. Ethno-education programmes were then developed for Afro-Colombian schools (NB in Spanish language; Palenquero had already been included in ethno-education efforts, and San Andrés creole was separately addressed). Since then 3.4 million hectares have been titled to black communities in Pacific coast areas.[528]

[527] Laurent 2005, 343-345.

[528] However, although the multicultural machinery has come to give Afro-Colombians fairly equivalent rights to indigenous peoples no matter what they speak or in which region they live, communal landholdings have only

	However, whereas the Pacific Coast had been largely untouched by the turn-of-the-century Thousand Days War and the 1940s/50s *Violencia*, armed actors increasingly began entering the region just as the Afro-Colombian communities began to get title to their traditional lands. As always, economics and politics were intertwined: the armed groups turned the land over to coca growing and oil palm cultivation (the latter often by agribusiness multinationals), as well as a conduit for drug exportation. At present, Afro-Colombians are being badly affected by forced displacement (over 3 million Colombians are counted as having been displaced).
1993	Congress passed two laws for San Andrés and Providencia. Ley 47 de 1993 declared both Spanish and English to be official, with acknowledgement of creole language, and mandated Spanish-English bilingualism in the education system and for all governmental publications, with all teachers and officials dealing with the public to be competent in both languages. The other laws established restrictions on residence for mainlanders (however, on the main island, San Andrés, locals were already outnumbered by Spanish-speaking migrants).
1994	Constitutional Court sentence, in only case specifically on the issue, upheld rights to use native languages: decision on a *tutela* writ lodged by an indigenous political candidate prohibited by white provincial governor (of an Amazonian department with over 90% native population) from making radio broadcasts in his mother tongue.
1995	Decree 804 re ethno-education created exceptions to 1994 General Law of Education regarding qualifications to be held by teachers – reflected push by communities for right to appoint their own teachers, with emphasis on cultural knowledge rather than western training, in context of widespread lack not just of teacher training but also of secondary schooling. Compromise permitted training of teachers post-engagement, although still not to satisfaction of communities, who had lost autonomy compared to the situation under the 1978 decree; and the Education Ministry has never established a national framework for appropriate pedagogical training of ethno-educators.
1995	Creation of Pedagogic Commission for Black Communities as a body for *concertación* (coordination /harmonisation) between the Education Ministry and the Afro-Colombian population.
1995	First Indian radio station established, the second follows in 1997 – both in Cauca. The second station started a training program in 1999.
1996	*Adoption of Universal Declaration of Linguistic Rights at conference in Barcelona (signed by UNESCO and NGOs, not by states). Apparently never referred to by Colombian state entities.*
1996	Creation of *Mesa Permanente de Concertación de los Pueblos Indigenas* (Permanent Roundtable for Coordination/ Harmonisation with Indigenous Peoples) as consensus-building forum on all issues of concern; members from all key indigenous organisations, most ministries and other national governmental entities. A responsibility of the Interior Ministry's Division of Indigenous Affairs, it now convenes at least 4 times a year. A National Commission for Indigenous Territories was established in the same year.
1996	Law 324 officially recognized Colombian sign language. Law 335 mandated captioning or sign language for television broadcasts.

been recognised for communities in the Pacific region. The University of Los Andes Law Faculty is running a collective title test case for a black community on the Caribbean coast that is threatened with expulsion for tourist development.

1997	ACCU (Rural Self-defence Forces of Córdoba y Urabá) from the northwest joined with other paramilitary groups to form AUC (United Self-defence Forces of Colombia) in 1997, which continued battling guerrillas, extortion, massacres, "social cleansing" and drug trade involvement until a controversial demobilisation in 2006. Many ex-paramilitary members are known to have formed criminal gangs thereafter.
1997	Upsurge in impact of conflict against indigenous communities: killings of Indians by armed actors rise to 110 (in 16 departments), from 39 in 1996 (in 9 departments), particularly affecting Embera and Zenu communities in northwest. FARC, ending what had been considered a post-constitution truce, decided to sabotage local elections, assassinating many candidates of the Indigenous Social Alliance and threatening others with death if they participated; AUC paramilitaries (often aided by police and Army) threatened death to those who withdrew. Drug trafficking interests were also key in this violence.[529]
1997	Recognition of Roma as ethnic group by National Planning Department and subsequently by other entities. Education Ministry included them in ethno-education programs from 2002; despite numbering only 5000, later they received further recognition in 2005 in the Interior Ministry's re-badged Division of Indigenous, Minority and Roma Affairs.
Aug 1997	Colombian Culture Ministry created by General Law of Culture[530] to replace Colcultura [see 1968 entry], with new functions in relation to cinematography, "ethnoculture" and youth.
1998	Constitutional Court case T-652 confirmed that prior consultation of indigenous peoples is required for infrastructure developments, in this case a hydroelectric project that affected a *resguardo* of Embera-Katío people (a people who suffered from living in a "red zone" contested between guerrillas and ACCU paramilitaries). The Court found a breach of their right to prior consultation, traversing not just the provisions of ILO169 and the Constitution, but also the right to territorial integrity and control, the fundamental right to survival as a people, the state obligation to protect ethnic and cultural identity and integrity, economic rights, and issues of traditional organisation and governance. As the project had already been completed, the Court ordered various measures of compensation for the community.
Oct 1998	As part of the peace efforts promised in his election platform in June 98, Conservative President Pastrana demilitarised an area the size of Switzerland to meet FARC preconditions. However, the guerrillas used the area to strengthen their forces, so Pastrana abolished the zone in Feb 2002 and sent the Army in; it is still a "red zone" (area of conflict) in which Indian communities often bear the collateral damage.
1999	Division of Indigenous Affairs began advising municipalities on who could be recognised as indigenous by the Colombian state; such criteria were based upon advice from expert anthropologists. In the context of re-Indianisation and the post-1991 availability of financial transfers for Indian communities, there were numerous controversies regarding recognition. For example, the re-ethnified Muisca community of Bogotá saw itself registered and de-registered several times.
Feb 1999	Three US activists (including a Native Hawaiian and a Native American who was a member of UN Working Group on Indigenous Populations) captured and executed by FARC while collaborating with the U'wa community of northeast Colombia on education projects and advocacy against petroleum exploration. FARC later apologised.
March	Declaration of Jambaló by CRIC: confirming indigenous right to self-government, territorial

[529] Villa & Houghton 2002, 41,92
[530] Law 397 of 1997

1999	control and decision-making without outside interference; any community member who invited intervention by an armed group would go to trial and any such agreement invalidated.[531]
1999 onwards	The implementation of President Pastrana's "Plan Colombia", intended to address a wide range of problems that sustained poverty and conflict using funds from various countries and aid donors, included the fumigation of areas of coca cultivation as a way to undermine the power of the drug cartels. Indigenous organisations and supportive NGOs voiced strong opposition, pointing to consequences such as destruction of other crops, elimination of a source of income for poor communities, harm to natural environment, damage to human and animal health, and suppression of traditional use of coca leaf for spiritual purposes.
2000	Caro & Cuervo Institute published 850-page "Indigenous Languages of Colombia" after years of preparation; it has published very little in that field since then. Once a powerhouse of study of indigenous languages, it retained only three (now two) researchers on native languages.[532]
2000	*Creation of UN Permanent Forum on Indigenous Issues*
2000	Culture Ministry sets up a Radio Unit that works with the Communications Ministry, facilitating the creation of 24 indigenous radio stations (some communities rejected the idea as contrary to their traditions, others saw it as an attempt at cooption by the government).
Jan 2001	Guambiano leader Floro Tunubalá takes office as governor of Cauca, the first Indian to be elected head of a department.
April 2001	Paramilitary massacre of Alto Naya, Cauca department: killing of up to 120 civilians accused of being guerrilla sympathisers, displacement of 4000, in area inhabited mostly by Nasa Indians and Afro-Colombians. Nearby armed forces did not intervene. Just one example of the many killings and acts of displacement that continued taking place in various parts of Colombia, the majority by paramilitaries, but with others by guerrillas, drug gangs, police and armed forces
Sept 2001	*Declaration & Program of Action from (polemical) World Conference against Racism in Durban recognised persons of African descent as a group victimized by discrimination as a historic legacy of the slave trade and proposed measures against racism and discrimination.*
2001	*UNESCO Universal Declaration on Cultural Diversity*
Mid 2001	Inter-American Commission of Human Rights ordered precautionary measures for the Embera-Katio resguardo of Alto Sinú in northwest Colombia, insisting on state action to stop paramilitary attacks and end impunity.
May 2002	Massacre of Bojayá, Afro-Colombian village in Chocó, Pacific coast: 119 civilians killed when FARC gas cylinder bomb hits the roof of church where they took refuge during battle between FARC and the AUC paramilitaries occupying the space around the church. Highest single civilian death toll in any incident of the armed political conflict. A court awarded US$800,000 compensation against the state for its failure to protect the inhabitants, despite

[531] Villa& Houghton 2002, 106

[532] The two remaining researchers spoke of a lack of institutional support for their work. I see the release of the Institute's indigenous languages magnum opus as something of a parallel with the Culture Ministry in relation to the Native Languages Law: once the great visible achievement was accomplished (i.e. book and law respectively), the powers-that-be lost interest in investing funds and energies in the subject matter (work on native languages).

	prior warnings by the Defensoría Pública (Ombudsman).
August 2002	Investiture of rightwing **Álvaro Uribe** as President, with platform of neoliberal economic development and a harsh, no-negotiations stance against guerrilla organisations. His administration was widely criticised for permitting human rights abuses, and its policies on resource extraction and megaprojects contributed to a bad relationship with minority organisations. Uribe forged a strong rapport with George W Bush, who expanded the existing Plan Colombia to include more military aid, directed more against guerrilla groups.
2002	Ethno-education unit within Education Ministry disbanded for cost reasons; the programmes were allocated to the Office for Quality in Pre-school, Primary and Secondary Education (where it remained as of 2012).
2002	Ethno-education for the Roma authorised by Education Ministry, which also held a forum to advance general Afro-Colombian ethno-education.
2002	298 indigenous persons recorded killed in the conflict, compared to 182 the previous year (with 18 and 14 disappearances respectively).
2002	FARC kidnapped the governor of Antioquia while he was undertaking a peace march; he was killed the following year during a military rescue attempt. FARC also kidnapped 11 legislators from the departmental assembly in the centre of Cali, Colombia's third biggest city; after enduring five years in jungle captivity, all are killed in what FARC allege was an Army ambush. Through this period, FARC detained dozens of soldiers and police officers captured during its operations (as of 2012 it has hostages held since 1998).
2003	Directive from Education Ministry re process for transferring Contracted Education arrangements from Catholic Church to indigenous authorities and departments.
2003	*Laws regarding indigenous languages approved in Mexico, Guatemala and Peru. The Mexican statute established INALI (National Indigenous Languages Institute), which has engaged in sociolinguistic surveys of the whole country, published many texts and commenced training interpreters for the judicial system. The development of this law was drawn out: the 1994 peace accords to end the Zapatista insurrection in Chiapas included a commitment to respect the linguistic rights of indigenous peoples, but the process of enacting legislation to that effect was complicated and politicised, with the three main parties disagreeing over the draft until 2001.*
March 2003	*International Expert Meeting on UNESCO Programme Safeguarding of Endangered Languages* *Paris. A document on Language Vitality and Endangerment by the UNESCO Ad Hoc Expert Group on* *Endangered Languages discusses factors leading to endangerment and makes proposals for improving language vitality.*
Nov 2003	*1st OAS Meeting of Negotiations on Draft Inter-American Declaration on the Rights of Indigenous Peoples. Colombia was involved in this and all subsequent negotiations. Consensus on: Rejection of assimilation - right to maintain, express, and freely develop cultural identity in all respects, free from any external attempt at assimilation; states shall not carry out, adopt, support, or favor any policy to assimilate indigenous peoples or destroy their cultures. Protection against genocide - right not to be subjected to any form of genocide or attempts to exterminate.*
2004	Departmental government of San Andrés & Providencia signed agreement that the islanders

	(Raizales) are entitled to their own trilingual *educación propia* (community-generated education). A trilingual project is commenced at one school, but the education secretariat for the islands only lets it run for one year.
2004	Creation by Education Ministry of "National Bilingual Programme 2004-2010" aimed at enhancing teaching of English in schools. No connections made with the bilingual elements of ethno-education, no attempt to suggest that the (unrealistic) goal of "Bilingual Colombia" could be for true bilingualism in existing indigenous languages rather than a limited use of a language foreign to mainland Colombia. The programme also fails to mention San Andrés and Providencia, where it really would be possible to talk of bilingualism (or trilingualism) in English.
Nov 2004	*4th OAS Meeting of Negotiations on Draft Inter-American Declaration on the Rights of Indigenous Peoples. Consensus on: right of the indigenous people to full representation with dignity and equality before the law. Consequently, they are entitled, without discrimination, to equal protection and benefit of the law, including the use of linguistic and cultural interpreters.*
Dec 2004	*UN General Assembly announced 2nd International Decade of the World's Indigenous Peoples (2005–2015)*
March 2005	*Inter-American Commission for Human Rights appointed Rapporteur on the Rights of Afro-Descendants and against Racial Discrimination.*
Late 2005	Not long after a controversial "Justice and Peace Law" enabled many AUC paramilitaries to escape punishment for brutal crimes, judicial investigation began into links established by paramilitary leaders with senators, representatives, governors, mayors and departmental assembly members (including a 2001 pact to "refound" Colombia bearing that bore signatures of AUC leaders and prominent politicians). For the rest of the Uribe presidency the "Parapolitics" scandal implicated more and more politicians: by the time the Native Languages Law went through Congress, a majority of the senators in the government coalition were under investigation, in detention or sentenced for such links (and in some cases for ordering targeted killings).
2006	10 Year National Educational Development Plan (2006-2015) – the eleven key themes include recognising ethnic and cultural diversity and building a system of *educación propia* (endogenous/community-generated education) and guaranteeing conditions of special attention to population in need with respect to diversity, including ethnicity.
2006	**In 2006 Culture Ministry created a special line of project funding for indigenous communities, a number of which requested funds for language revitalization projects, thus Culture Ministry was made aware this was a cultural priority for those communities. At various points they consulted with linguists regarding these proposals. In early 2007 the two Culture Ministry officials responsible for "Promotion of Ethno-culture" met with Jon Landaburu to discuss collaboration with work involving native languages.** **One proposal granted such funding was from CRIC, for a sociolinguistic survey to monitor the situation of the four languages spoken in Cauca. The survey was conducted in 2007, with involvement by University of Cauca linguists and some participation by Jon Landaburu (former director of CCELA and the Ethnolinguistics Masters at Los Andes University).**
2006	*Inter-American Court of Human Rights, judging a case from Honduras, found rights were violated when police forbade prisoners from talking in their native Garifuna language. The court noted that language was one of the most important elements of a people's identity*

	because it guaranteed the expression and transmission of their culture.
April 2006	*7th OAS Meeting of Negotiations on Draft Inter-American Declaration on the Rights of Indigenous Peoples. Consensus on: Article XXXI. States shall ensure full enjoyment of civil, political, economic, social, cultural, and spiritual rights, and all fundamental human rights of indigenous peoples contained in the Declaration; and promote, with full and effective participation of indigenous peoples, adoption of legislative and other measures necessary to give effect to the rights in the Declaration.*
15 Dec 2006	*First media reports that the Venezuelan National Assembly's Indigenous Peoples Committee was going to present a draft Indigenous Languages Law to preserve the country's 34 native languages. The reports also mention the preparation of legislation to implement provisions in the 1999 constitution for indigenous representation in the Assembly.*
Jan 2007	*Venezuela: Ministry of Indigenous Peoples created, an indigenous (Ye´kuana) woman appointed as minister. President Chávez has tended to be strongly supported by Venezuelan Indians, even though land grants have been far less extensive than in Colombia, where the indigenous movement is dominated by anti-government stances.*
Jan 2007	*9th OAS Meeting of Negotiations on Draft Inter-American Declaration on the Rights of Indigenous Peoples. Consensus on : Right to cultural identity and integrity - right to recognition and respect for all their ways of life, world views, spirituality, uses & customs, norms and traditions, forms of social, economic & political organization, forms of transmission of knowledge, institutions, practices, beliefs, values, dress and languages. Systems of Knowledge, Language and Communication - States, in conjunction with indigenous peoples, shall make efforts to ensure that those peoples can understand and be understood in their languages in administrative, political, and judicial proceedings, where necessary through the provision of interpretation or by other effective means. Right to preserve, use, develop, revitalize, and transmit to future generations their own histories, languages, oral traditions, philosophies, systems of knowledge, writing, and literature; and to designate and maintain their own names for their communities, individuals, and places.*
Feb 2007	*Uribe's appointment as Culture Minister for 2002-2006 was promoted in Aug 2006 to Foreign Minister but resigned after her father (a government member in the 1990s) and brother (a pro-Uribe senator) were charged in the "Parapolitics" scandal for paramilitary links.*[533]
March 2007	*Entry into effect of 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions – but not signed by Colombia or USA.*
April 2007	*10th OAS Meeting of Negotiations on Draft Inter-American Declaration on the Rights of Indigenous Peoples. Consensus on: States and indigenous peoples shall promote reduction of disparities in education between indigenous and non-indigenous peoples. States shall promote harmonious intercultural relations, ensuring state educational systems curricula reflect the pluricultural and multilingual nature of their societies and encourage respect/knowledge of indigenous cultures. States shall, in conjunction with indigenous peoples, promote intercultural education that reflects their cosmovision, histories, languages, knowledge, values, cultures, practices, and ways of life.*
10 May 2007	**Paula Moreno designated as Minister of Culture – first Afro-Colombian woman to head a ministry, only 30 years of age; clearly very driven, she had studied in Cambridge, interned**

[533] Her aunt, who had spent decades promoting Caribbean musical folklore, was Culture Minister in 2000-2001; a few months after resigning she was kidnapped and executed by FARC.

	with UNCTAD, and created a program of postgraduate scholarships for Afro-Colombians.[534] Devised a platform with a focus on ethnic diversity. Confronted a (apparently widespread but unpublished) opinion that she was only appointed because of a criticism of Uribe[535] by the Democrat Black Caucus in the US (NB it was principally Democrats in the US Congress who were holding up approval of a US-Colombia free trade agreement, focusing on assassinations of union leaders, workers rights and human rights abuses).
16 May 2007	*"International Year of Languages" declared for 2008.*
1 June 2007	**Paula Moreno sworn in as Minister of Culture.**
1 June 2007	Raizal (native islander, i.e. English and Creole speaking blacks) rights group AMEN-SD (Archipelago Movement for Ethnic Native Self-Determination) declared independence of St Andrew & Providence (San Andrés & Providencia). Angrily denounced by President Uribe, who the following year named the new island hospital "Amor de Patria" (love of one's country).
26 June 2007	Creation of CONTCEPI (National Taskforce and Coordination Commission for Education for Indigenous Peoples) as consensus-building space on education policy for indigenous representatives.
July 2007	**Visit to Bogotá by language planning experts from Vice-Ministry of Language Policy from Spain's autonomous Basque Country. They met with ICANH (anthropology institute), Caro & Cuervo Institute,[536] Culture Minister Paula Moreno, Education Ministry. Visit organised by Jon Landaburu, but he was in Europe at the time. Moreno reportedly greatly enthused.**
24 July 2007	*Inter-American Commission for Human Rights granted precautionary measures in favour of 13 leaders of a regional council of black communities in southwest Colombia following harassment, death threats and detentions by paramilitaries, guerrillas and government forces; it asked the Colombian State to adopt measures to protect their lives and physical*

[534] Moreno is the daughter of a lawyer and an accountant who had moved to Bogota from a largely black town in Cauca. Although the appointments other than Moreno have been of members of the Colombian social and political elite (the first three Ministers of Culture were men, the next seven women), they have also had lengthy experience directing cultural institutions and holding culure-related posts. For example, the current occupant, Mariana Garcés, spent the two years prior to succeeding Paula Moreno as Secretary of Culture and Tourism in Cali, Colombia's third city; while Moreno's immediate predecessor directed the National Museum for 13 years, having earlier been Ambassador to the UN – as well as being great-granddaughter of two presidents (one being the famous philologist Rufino Cuervo) and grandniece of another.

[535] On 20 April 2007 former US Vice-President Al Gore refused to attend a Miami meeting because of Uribe's presence in it (two days after Washington Post reported on charges raised at a Colombian Senate hearing that paramilitaries had plotted killings at an Uribe family farm in the 1980s), a further international embarrassment for the Colombian president. http://www.washingtonpost.com/wp-dyn/content/article/2007/05/03/AR2007050301275.html Marcela Sanchez May 4, 2007. Colombian President Dances for U.S. Democrats.
Also in April: Congress froze $55.2 million of aid earmarked for the Colombian military. HRW (Human Rights Watch). 2007. Colombia: US Congress Should Maintain Hold on Military Aid. http://www.hrw.org/news/2007/10/17/colombia-us-congress-should-maintain-hold-military-aid Amnesty International USA and Human Rights Watch are calling on members of Congress to question Colombian Defense Secretary Juan Manuel Santos during his two-day trip to Washington about the steep rise in reports of extrajudicial executions by the Colombian military. The organizations called on Congress to maintain a hold on US$55 million in military assistance until substantial progress is made in addressing key human rights concerns.

[536] By this point, ICANH had nobody working on language issues, and the native language team at Caro y Cuervo had shrunk to just two linguists (under-funding by Culture Ministry was blamed).

	integrity, and to report back on actions taken regarding judicial investigation.
13 Sep 2007	*UN Declaration on the Rights of Indigenous Peoples adopted by General Assembly. Colombia abstained; other Latin American states voted in favour; Australia, NZ, USA and Canada voted against. NB: Colombia and the four named countries have since reversed their positions and now endorse it, with reservations for specific provisions. As a declaration it is "soft law", aspirational rather than binding.*
Dec 2007	7th ONIC Congress adopted UN Declaration on the Rights of Indigenous Peoples and rejected the Colombian state's abstention. It announced the mandate of a new National Authority of Indigenous Government, which included statements on language and indigenous control of education.
Mid 2007	**Minister Moreno engaged Jon Landaburu as one of six expert ministerial advisers. Landaburu began developing the PPDE (Program for Protection of Ethnolinguistic Diversity).**
Late 2007	**Landaburu recruited 3 national coordinators, including a Cubeo (Amazonia region/south), a Palenquera (creole-speaking Afro community from Caribbean/north) & a Sikuani (Orinoco region/east), all speakers of their native language and graduates of the Masters in Ethnolinguistics from CCELA. A fourth coordinator, a mestiza linguist who had been working with CRIC on its language campaigns, joined the team later. A Tule/Kuna academic and activist who also completed the Ethnolinguistics Masters and who was president of ONIC for much of the 1990s was appointed consultant.** **Landaburu decided to conduct a Sociolinguistic Autodiagnostic, adapting the model just used by CRIC in Cauca (he was very familiar with the work carried out there), but with more precision in terms of representative sampling. It was intended to cover every one of the 68 minority languages.** **Culture Ministry began to arrange agreement with Basque Vice-Ministry of Language Policy and planned visit to Basque Country by Minister Moreno.**
14 Dec 2007	*Creation of UN Expert Mechanism on the Rights of Indigenous Peoples*
Jan 2008	Constitutional Court struck down Uribe government's controversial 2006 Forestry Law for failing to consult with indigenous and Afro-Colombian communities prior to introducing the draft law in the Congress, confirming that prior consultation is required for all measures affecting those communities, not just ones involving resource exploitation as often thought. There was also widespread protest by ethnic leaders against Uribe's legislative proposals regarding water, rural development and mining (the 2010 Mining Law was declared invalid by the Constitutional Court in May 2011 for lack of prior consultation with ethnic communities). This may have encouraged pro-Uribe parliamentarians to see a languages law as a way to score a rare positive point on minority issues.
8-10 Jan 2008	*International expert group meeting on indigenous languages, organised by UN Permanent Forum on Indigenous Issues. The meeting urged implementation of various collective and individual language rights, development of legislative measures, adequate funding, participation of indigenous experts in census taking, inter alia, and proposed an international conference on linguistic diversity. Major UN agencies attended, as did Chile, Ecuador, Guatemala, Mexico, Nicaragua and Venezuela, but not Colombia.*
23 Jan 2008	**Formal announcement of PPDE (Protection Program for Ethnolinguistic Diversity). Objectives stated to be: encouraging use of languages and inter-generational**

	transmission; implementing use in domains of modern life; achieving real officialisation in the territories where spoken; raising awareness of users re the value of their languages; advocating for recognition by national and international societ about the heritage value of these unique vehicles of culture and memory; adequate documentation with priority on languages in danger of extinction; advance in knowledge of the languages, including training of the native speakers in research; recommend measures of institutional strengthening. To further these goals there was to be coordinated work with the Education Ministry, National Archive, Caro & Cuervo Institute, and the Basque Vice-Ministry of Language Policy. Two key proposals were to (1) undertake a sociolinguistic diagnostic of all the languages, involving surveys applied by members of the communities and national meetings to discuss the results, and (2) create an advisory council to the natonal government. **At this stage there was no mention of the possibility of a law.** **A number of newspaper articles appeared around the time, featuring interviews with Landaburu and his team, usually stressing the great diversity of Colombia's languages and the risks they faced.**
13-14 Feb 2008	**First National Meeting of Linguists discussed the PPDE proposals; Landaburu evaluated who was willing to collaborate. Meeting included several linguists and anthropologists from indigenous or creole communities.**
20 Feb 2008	**Announcement of protocol of cooperation between Culture Ministry and Basque Vice-Ministry of Language Policy – for advising regarding development of PPDE, particularly the Sociolinguistic Autodiagnostic, given Basque expertise in such activities.** **First of a series of articles that appear in the national press in 2008 and 2009 about the PPDE and the subsequent legislation, notably in the national newspaper *El Espectador* and weekly magazine *Semana*; focusing on Colombia's linguistic diversity and risk of language loss; frequent interviews with Landaburu, also with national and local coordinators.**
1 March 2008	A top FARC commander was killed in a Colombian Army raid on a FARC camp in jungle just across the Ecuadorian border. Ecuador protested the violation of its airspace and broke off diplomatic relations, as did Huge Chávez of Venezuela. The open enmity between Chávez and Uribe sustained a crisis in cross-border relations that would last until Juan Manuel Santos assumed the Colombian presidency in August 2010; Chávez restricted imports from Colombia (which hurt both economies) and for a period in 2010 war seemed a real possibility.
March 2008	Colombia ratified 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.
16 April 2008	*11th OAS Meeting of Negotiations on Draft Inter-American Declaration on the Rights of Indigenous Peoples. Consensus on: States recognize and respect the multicultural and multilingual character of the indigenous peoples; right to the full enjoyment of all human rights and fundamental freedoms, as recognized in international human rights law; right not to be subject to racism, racial discrimination, xenophobia, and related forms of intolerance; states shall adopt preventive and corrective measures necessary for the full and effective protection of this right. Indigenous peoples and persons have right to effective and appropriate remedies, including prompt judicial remedies, for reparation of all violations of collective and individual rights; states, with full and effective participation of indigenous peoples, shall provide the necessary mechanisms for exercise of this right.*
24 April	*Half-day of 7th session of UN Permanent Forum on Indigenous Issues dedicated to issue of*

2008	*indigenous languages. Statement noted that measures needed to protect and promote indigenous languages include: Guaranteeing right to mother-tongue education for indigenous children; Allocating 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.*
April 2008	**It was decided that the Sociolinguistic Autodiagnostic would be divided up into three campaigns, the first consisting of 13 languages. One or more local coordinators were appointed for each ethnic group, being persons with knowledge of the language & culture and roles in their communities.** **Two 4-day seminars were held in May 2008 with the local coordinators, the Basque experts and experts from Cauca; participants decided to apply the surveys in Spanish and in the local languages. There were test surveys and a manual was prepared. The local coordinators worked with ethnoeducators and others in their communities to translate/interpret the material (in three cases assisted by non-indigenous linguists) and later to apply the surveys. The third campaign lasted until around November 2008.**
May 2008	*Venezuela promulgated its Indigenous Languages Law.*
13 May 2008	At a point when their testimony was threatening to incriminate more members of Colombia's political class, a large number of paramilitary leaders giving their accounts in special hearings under the Justice and Peace Law were flown to the US overnight without any warning, extradited to face US drug trafficking charges in which their human rights abuses in the Colombian conflict would never be disclosed. This incident heightened criticisms of Uribe's government for permitting impunity and lacking transparency.
May 2008	**Externado University provided two experts to work on Sociolinguistic Autodiagnostic: Yolanda Bodnar worked with Education Ministry from late 1970s to early 1990s, including a key role in the 1978 ethno-education decree and subsequent coordination of the Ethno-Education Unit, and was later the director of the national census. A group of Externado students assist with the statistical analysis.**
21 May 2008	Division of Indigenous Affairs renamed Division of Indigenous, Minorities' and Roma Affairs, and given new functions to promote the following: Roma rights; policies by local governments for Roma recognition and inclusion; LGBT (lesbian, gay, bisexual, transgender) rights; and execution and follow-up of actions for social inclusion and non-discrimination for the LGBT population.[537] The Division appears to have done nothing with respect to sexual minorities until shortly before the conclusion of the second Uribe presidency in mid-2010, when it organised a multi-day congress for LGBT groups; seeing this as mere window-dressing (e.g. for mention in reports to international human rights bodies) many activists boycotted the event.
June 2008	Uribe commenced defamation proceedings against head of Supreme Court; over the previous 12 months he had frequently accused the judiciary of political motivation in its

[537] Decreto No. 1720 de 2008, artículo 3o., "Por el cual se modifica la estructura del Ministerio del Interior y de Justicia y se dictan otras disposiciones". DIARIO OFICIAL. AÑO CXLIV. N. 46996. 21, MAYO, 2008. PAG. 2. Resolución No. 3598 de 4 diciembre de 2008 - Funciones Grupo de Otras Minorías.

	pursuit of corruption in his government and particularly for charging parliamentarians for paramilitary links in the "Parapolitics" scandal.[538] Local and international commentators expressed concern about Uribe's attempts to undermine judicial independence. A few months later came news that judges' communications were bugged by the national intelligence agency, DAS.
June 2008	**First CRIC "Minga" [indigenous collective labour] of Languages, a congress organised by CRIC with participation by Culture Ministry, Education Ministry, Basque Vice-Ministry of Language Policy, and Mexican language institute INALI, as well as many indigenous linguists and ethno-educators.** By this point CRIC was also well advanced in its plans for an Autonomous Indigenous Intercultural University, utilising a former military base for its campus. It was intended to commence classes regardless of the outcome of the application for accreditation.
Sep 2008	*Ecuador's 20th constitution approved in referendum, increased recognition of indigenous rights. [NB from late 2009, the government of President Correa faced strong protests by the Confederation of Indigenous Nationalities of Ecuador (CONAIE) against new water, mining and oil laws.]*
Oct-Nov 2008	March on Bogotá by 12,000 indigenous, principally from Cauca, protesting in relation to land and human rights – part of "National Minga of Indigenous Resistance".[539]
Late 2008	Beginning of "false positives" scandal: revelation that about 2500 non-combatants – ranging from homeless people to leftwing sympathisers to young men lured from poor parts of Bogota by promises of work in the provinces – had been murdered by soldiers and then presented as guerrillas killed in battle. Monetary rewards and promotions for captures and killings of the enemy were incentive for this, plus a longstanding "bodycount mentality". This was one of many scandals that tarnished the image of the Uribe government internationally and among some national sectors (although support for President Uribe remained at high levels).[540]
16 Dec 2008	Soldiers in Cauca fired at car of Aida Quilcué, Nasa leader who returned the previous day from the Universal Periodic Review of Colombia by the UN Human Rights Council in Geneva where she represented CRIC and ONIC to denounce human rights abuses against indigenous Colombians. Her husband was killed. Indigenous rights group alleged it was an attempt to assassinate Quilcué (who had also been prominent in the recent Minga of Resistance). The government initially claimed the vehicle had refused to stop; later it admitted a mistake was made, and six soldiers were convicted in June 2010.
16/17 Dec 2008	**First National Forum for Ethnolinguistic Legislation. Speakers included Minister Moreno; delegates from Basque Vice-Ministry of Language Policy, and from Mexico´s INALI (National Institute of Native Languages); indigenous rights lawyer Roque Roldán; Jon Landaburu. Other participants were national and local coordinators of PPDE and representatives of various ethnic communities and organizations. (Not all the invited community representatives were able to attend, i.e. the organisers appear to have wanted**

[538] On many occasions Uribe also claimed that human rights defenders were allies of guerrilla groups, which was seen to be encouraging the wave of killings and intimidation against such activists.
[539] As mentioned in the June 2008 entry above, "minga" refers to collective labour or other activity undertaken for the common good.
[540] Documents released subsequently (including US Embassy files on Wikileaks) revealed that the practice had been occurring since at least 1990, most frequently involving victims suspected of leftwing sympathies without any evidence of guerrilla involvement. It is worth bearing in mind that there is an official estimate of over 50,000 "disappeared" persons in Colombia over the last two decades, and critics suspect that the armed forces add to the work of guerrillas, paramilitaries, drug gangs and regular criminals in producing these statistics.

	more to be present.) **The forum considered the Basque, Mexican and Venezuelan language laws, and broke into workshops to come up with points for inclusion in a Colombian law. Landaburu spent the following weeks writing a first draft.**
Jan 2009	**Indigenous rights lawyer Roque Roldán extensively revised Landaburu's draft for the language law.**
25 Jan 2009	*New Bolivian constitution approved in referendum (it was originally passed in December, but its legitimacy was disputed through 2008), promulgated 7 Feb 2009. All native languages (36 are named) declared official; provincial governments must use at least one native language.*
26 Jan 2009	Sentence 004/09 by Constitutional Court regarding 34 indigenous peoples displaced or otherwise victimised by the conflict: state ordered to take action to ensure their physical and cultural survival. Simultaneous Sentence 005/09 dealt with Afro-Colombian communities. Indigenous organisations and the relevant units/delegates in state entities begin devoting significant attention to responding to the sentence with workshops, meetings, reports, protection plans etc.
Feb 2009	DAS (Department of Administrative Security), Colombia's key intelligence service, shown to have engaged in wiretapping/surveillance of hundreds of opposition politicians, Supreme and Constitutional Court judges, human rights advocates, journalists and unionists. As the scandal dominated local media through 2009, subsequent revelations included DAS links to paramilitaries, persecution and intimidation of government opponents, and projects to discredit foreign NGOs and even the Inter-American Court of Human Rights and other bodies. President Uribe denied knowledge but was widely suspected of ordering these actions.
Feb 2009	FARC killed 27 Awá villagers alleged to be collaborators, including women and children; hundreds more fled. In June 2008 the Ombudsman's Office [*Defensoría del Pueblo*] had issued a resolution regarding the seriousness of the Awá people's security situation and recommending a series of measures by the state to guarantee their protection, yet it appears nothing was done. Example of protest: ACIN (Association of Indigenous Councils of Northern Cauca) accused the armed forces of a dirty war against the population, and says that terror by armed actors is a result of Awá lands being coveted for agribusiness, mining and construction of a trans-Amazon highway; ONIC staged a 600 person march to the villages concerned. UNCHR called on government to fulfil its obligations to protect civilians.
Feb 2009	**Review by Minister Moreno and the Culture Ministry's Legal Office of draft of language law; removal of provision on language rights and protections in urban contexts.**
26 Feb 2009	Concluding 3-day visit, UN Under-Secretary-General for Humanitarian Affairs noted progress on laws regarding IDPs (internally displaced persons), but that more needed to be done; Afro-Colombian and indigenous communities faced "many risks, including forced recruitment, particularly of children, and many of them are being displaced or confined to their villages. He condemned the Awá massacres and urged Uribe to approve the UN Declaration on the Rights of Indigenous Peoples.
3/4 March 2009	**2nd National Forum for Ethnolinguistic Legislation. Speakers included Minister Moreno and delegates from Basque Vice-Ministry of Language Policy; participation from ONIC, CRIC and seven other organisations, and leaders from five minority communities. The Culture Ministry's draft language law was discussed and suggestions made for amending it.**

13 Mar 2009	**Native Languages Bill presented in lower house of Congress by Culture Minister Moreno. She insisted that the draft law be introduced with such haste because otherwise it would not get through Congress in time – elections were to be held in August 2010, and there was additional uncertainty given the scandals afflicting the government (including possibilities of more parliamentarians being charged for paramilitary links in the ongoing "Parapolitics" affair). Bills often fall by the wayside even in regular circumstances.** **Carriage of the bill in the lower house was given to Pedro Obando, a representative from the leftwing party Alternative Democratic Pole who had undertaken doctoral studies on the Awá language. Thus, as well as bringing knowledge and enthusiasm to the role, he delivered a practical advantage: a bill presented by the government would be championed by someone from the opposition, making the bill appear to be above partisan politics.** **To facilitate the bill's passage, Minister Moreno met with every single member of both houses of Congress in order to get them on side, and turned up at a number of sessions of the commissions dealing with the bill.** **Moreno also lobbied for the bill during meetings of the Council of Ministers.**
17 March 2009	UNHCR expressed concern about ongoing displacement of indigenous communities, following displacement of 3000 Embera on the Pacific coast due to threats and conflict between armed groups, on top of 10 mass displacements in the same areas in 2008. UNCHR considered 27 Colombian indigenous groups to be at risk of extinction.
21 Mar 2009	**ONIC Extraordinary National Assembly: presentation & analysis of the Native Languages Bill was on agenda along with the Constitutional Court's Sentence 004 and support for the Awá people who had recently suffered a massacre by paramilitaries. A number of negative comments were made about inadequate prior consultation with respect to the draft law. Culture Ministry paid large sum (perhaps US$20,000) for delegate transport. ONIC produced a critical document that relies heavily on UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.**
March-June 2009	**While the Draft Law was passing through the Congress, Landaburu had talks with government ministries affected by the content of the law´s text, including the Education Ministry, Communications Ministry and the Justice Ministry. A number of amendments were made to the text as a consequence, particularly to the article concerning education.** **Several amendments to the Draft Law were made based on recommendations from CRIC and ONIC. For example, the proposed Native Languages National Advisory Council was given more members from the ethnic groups.** **Only a few changes were made by the Congress members, none of them significant.**
April-August 2009	**After the ONIC Extraordinary National Assembly on 21 March, Landaburu or other members of the PPDE team held 34 additional meetings of "*socialización*"[541] and consultation of the Draft Law with ethnic communities across the country, including the Education Commission of CRIC during its 13th Congress and ONIC meetings for each of its five Macro Regions. This tremendously expensive exercise was necessary after a number of leaders from ONIC and other organisations complained about the failure to have a proper process of prior consultation with the ethnic groups before the introduction of the draft language law into Congress, as required under the principles spelt out by the Constitutional Court. However, the CRIC Education Commission was supportive, and provided a letter to Minister Moreno that strongly praised the legislative initiative.**

[541] This Spanish term refers to presenting information, explaining it and discussing.

20-26 April 2009	**First Festival of Native Languages – considered an important element of the PPDE in order to raise awareness in broader society. It received good press coverage.**
May 2009	**Agreement between Culture Ministry and Externado University to provide two demographers with teams of students to analyse the Sociolinguistic Autodiagnostic data.**
4 May 2009	UNESCO Director-General condemned murder of Colombian journalist who had been exposing corruption, noting 40 attacks against journalists there since the start of 2009.
18-29 May 2009	*8th session of UN Permanent Forum on Indigenous Issues. Colombia and Australia commended for changing their stance on approval of the UN Declaration on the Rights of Indigenous Peoples.*
22 May 2009	UNHCR expressed concern over a "rising climate of intimidation" in Colombia in recent months, with death threats against human rights workers, indigenous communities, social leaders and representatives of displaced groups. About 300,000 new displacement cases were registered in each of the preceding two years.
19 June 2009	Philip Alston, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, following his 8-18 June visit to Colombia, made particular reference to the Army's "false positives" murders, and noted that killings by armed actors "disproportionately affect rural and poor populations, Indigenous people, Afro-Colombians, trade unionists, human rights defenders and community leaders." His May 2010 final report cited estimates of impunity for 98.5% of alleged killings by security forces.
July 2009	Visit to Colombia by James Anaya, UN Rapporteur for Indigenous Peoples. Most attention was given to human rights abuses and issues of land and resources, full report released in Jan 2010.
July 2009	*Draft law to recognise indigenous languages and their use in education is introduced to National Assembly in neighbouring Panama by an indigenous legislator.*
31 July 2009	Colombia's Law 1346 of 2009 ratified UN Convention on the Rights of Persons with Disabilities (adopted by UN General Assembly in December 2006), which includes state obligations to recognise sign language, encourage its use and promote the linguistic identity of deaf persons in education.
26 Aug 2009	Massacre of 12 Awá Indians, including children, by paramilitaries. More strong protests by indigenous and human rights organisations. Condemnatory statement issued in Geneva by UN Rapporteur for Indigenous Peoples James Anaya: "The effective guarantee of human rights of indigenous peoples is deeply tied to their collective right to live in peace and security as distinct peoples and to not be subjected to any act of violence."
8 Sept 2009	Report to Security Council by UN Secretary-General on children and armed conflict in Colombia: despite "significant government efforts, children in Colombia continued to be killed, maimed, tortured, raped, recruited and abducted in the conflict, mainly by illegal armed groups"; also use of children for military intelligence and extrajudicial execution of children (including as "false positives" victims). Between 8,000 and 11,000 children were participating in illegal armed groups.
18 Sept 2009	UN Special Rapporteur on the situation of human rights defenders concluded her 12-day mission, noting that: human rights activists, including journalists, trade unionists, magistrates, lawyers, students, women defenders, and indigenous and Afro-Colombian leaders were "killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, judicially harassed, under surveillance, forcibly displaced, forced into exile, or their

	offices have been raided and their files stolen"; systematic stigmatization by Government officials of defenders as being "terrorists" or colluding with them; widespread impunity.
Nov 2009	**Culture Ministry posted Preliminary Report on the Sociolinguistic Autodiagnostic's first campaign on PPDE news webpage. This has been the only provision of results to the public, with the exception of booklets for each language that were only made available to the respective communities. The books with the final version of those results, although officially launched in August 2010, have never been publicly released.** **During the same weeks a number of Culture Ministry press releases reported the outcome of the Autodiagnostic for four of the peoples surveyed, all along the lines of "X% of the Y people speak their native language fluently, but Z% only have passive comprehension". Although the stories were picked up by several media sources, it seems unlikely that there would be great demand for a succession of 68 such stories; it could be argued without difficulty that many bureaucrats or ministers would have little interest in running a program that delivers media coverage of such limited appeal. More successful was a 27 November 2009 interview with Landaburu in El Espectador newspaper regarding the risks to language diversity, emphasising that the draft law was before the Senate – perhaps with an aim of ensuring that the senators voted in favour.**
Early Dec 2009	Deputy UN High Commissioner for Human Rights among 1000 participants attending UN Mine Action Service summit in the Colombian city of Cartagena. Colombia is one of the countries worst-affected by landmines. The location of the conflict zones means that indigenous and Afro-Colombian civilians are disproportionately victims. A UNESCO statement on murders of journalists focused on the latest such killing in Colombia.
30 Nov – 1 Dec 2009	*12th OAS Meeting of Negotiations on Draft Inter-American Declaration on the Rights of Indigenous Peoples. Consensus on: Collective rights indispensable for existence, well-being, and integral development as peoples; states shall adopt adequate and effective measures to protect exercise of right to cultural identity and integrity and to cultural heritage and its protection, development and transmission; right to promote and develop communication systems and media, including radio/TV programs, and to equal access to all other means of communication and information; states shall take measures to promote the broadcast of radio and TV programs in indigenous languages and shall support and facilitate the creation of indigenous radio/TV stations and other means of information and communication. Indigenous peoples and individuals, particularly children, have right to all levels and forms of education, without discrimination; right to establish and control their educational systems and institutions, providing education in their own languages, in manner appropriate to their cultural methods of teaching and learning; in conjunction with indigenous peoples, states shall take effective measures to ensure indigenous persons living outside their communities, particularly children, have access to education in their own languages and cultures, and shall adopt necessary and effective measures to ensure the exercise and observance of these rights.*[542]
10 Dec 2009	**Native Languages Law approved by Colombian Congress, with presence in the Senate Chamber and on front steps of Congress of ethnic group members with signs in their native languages; this story was given good media coverage.**[543] **In accordance with Colombian law-making procedures, it still needed to be signed by the President.**

[542] Colombia was still participating fully, but the US declared official reservations and Canada withdrew.
[543] A wide range of sources indicated that this was a particularly emotional moment for all persons involved, including the ethnic group members.

15 Dec 2009	**Letter to Congress and Presidency from Finance Ministry gave Native Languages Law its approval (a requisite in the legislative process) "on the understanding that costs will be assumed by each entity and in accordance with its current framework."**
17 Dec 2009	UN Special Rapporteur on the independence of judges and lawyers, ending her 10-day visit: "climate of fear and insecurity appears to reign over the judicial system because of attacks and threats against judges, prosecutors and lawyers", and also affected victims and witnesses, resulting in impunity for many crimes; "lack of equal access to justice … is aggravated for … indigenous and Afro-Colombian communities – in particular those who are displaced."[544]
18 Dec 2009	*UN General Assembly announced 2011 would be International Year for People of African Descent*
2010	Under Uribe's "democratic security policy", defence spending reached 14.2% of national budget (US$11.057 billion), exceeding the education budget (13.9%). It was 5.2% of the 2004 budget.
2010	*In two cases from Paraguay and one from Guatemala, the Inter-American Court of Human Rights gave an expansive interpretation of provisions of the 1969 American Convention of Human Rights. It found that where indigenous communities are concerned, the right to education requires that schooling be given an ethno-educational perspective; and that states have an obligation to protect cultural diversity and to promote and protect the rights of indigenous children to live in accordance with their traditional culture, religion and language.*
11 Jan 2010	Report on Colombia by UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people: "the State of Colombia pays attention to indigenous issues and to the development of plans and proposals to address the recommendations of my predecessor; however, I am worried about the many indications according to which the situation of indigenous people in the country has not been addressed with the urgency which the gravity of the situation merits ... In general, laws, programs and government policies do not allow for effective protection and implementation of human rights of indigenous peoples in the country"... There is "an extremely worrying situation of violence and other crimes against indigenous people, as well as forced displacement and confinement, which threatens the physical and cultural survival of indigenous people"
19 Jan 2010	**Letter sent to the Presidency by Interior Ministry's Division of Indigenous, Minority and Roma Affairs: advising that the Native Languages Law, although undeniably in favour of ethnic group interests, had not been subject to prior consultation in the way legally mandated and therefore should not be signed. (It's possible that Culture Ministry officials were not aware of the receipt of this letter.)**
21 Jan 2010	**Letter sent to the Presidency by Coordinator of Interior Ministry's Prior Consultation Group: advising that the Native Languages Law, although laudable in its content, had not complied with requirements of prior consultation and therefore should not be signed, but instead be put to a process of consultation that would so comply (including an initial step of agreement with the ethnic groups regarding the format of such consultation) and then re-submitted to Congress.** **PPDE staff and senior figures within the Culture Ministry were taken by surprise by the letter, because this view had not been expressed in various meetings in 2009 with relevant Interior Ministry personnel. (It appears that one senior Culture Ministry official was in fact**

[544] UN News Centre

	given advance notice, but did not share this information with colleagues.)
25 Jan 2010	**Native Languages Law signed by President Uribe after Culture Minister Paula Moreno visited his office to show him the responses of the ethnic communities to the consultation / *socialización* of the Bill from March-August 2009; those responses included letters of support from CRIC and from indigenous leaders and teachers in various parts of the country, as well as the notes of all the meetings. Stamped as Law 1381 of 2010.** **Transitory articles of the law require the following to be completed within two years of its approval, i.e. by 25 January 2012: production of 10 year plan; creation of National Advisory Council on Native Languages; completion of Sociolinguistic Diagnostic.**
15 Feb 2010	Statement by UN Independent Expert on Minority[545] Issues closing her 12-day visit: despite "impressive legislation aimed at recognizing the rights of Afro-Colombians", implementation and enforcement were "woefully inadequate, limited and sporadic… Despite the granting of collective titles to some 90 per cent of Afro-Colombian ancestral lands, many communities are displaced, dispossessed and unable to live on or work their lands", with land rights ignored in favour of economic interests and mega-projects.
March 2010	**PPDE, previously attached directly to the Culture Minister's Office, is transferred to the Populations Division.**
April 2010	Utta von Gleich at symposium 'Language and Sociopolitical Struggle in the Hispanic World' (Newcastle University, UK): "…the positive changes in [Latin American language] legislation are not the results of a systematic national language planning but of mass mobilizations, protest marches and permanent demands made of governments or parliaments, on the part of indigenous movements. Changing a national language law is very difficult as there are only a few indigenous representatives in these bodies. **An extraordinary exception constitutes the new linguistic legislation of Colombia of 2009 which should become a model for the continent as it defines clearly spheres of responsibility and implementation as well as conservation and modernization of the indigenous languages**. A combined participatory policy, top down and bottom up, fulfilling the legal requirements, is a must for the twenty-first century." This is the only scholarly reference to Native Languages Law in English to date (2015).
May 2010	**Landaburu and one of the four national coordinators resign from the PPDE, following repeated disruptions to PPDE activities since its transfer to the Populations Division (e.g. cancellation of trips to carry out Sociolinguistic Autodiagnostic).**
April-Dec 2010	**A consultant engaged for the PPDE team (accompanied by Landaburu until his departure, and sometimes by the divisional director thereafter) meets with a number of ministries and other entities to discuss joint development of the provisions of the Native Languages Law: Education Ministry, Communications Ministry, National Department of Statistics, the national research funding body, three universities, the national geographic institute, the national archive, the civil registry. However, it appears that these discussions were not resumed in 2011 (after the PPDE consultant's contract ended) and it seems that no initiatives derived from them, with the partial exception of talks with the Education Ministry.**
12 July 2010	Decree 2500 of 2010 from Education Ministry increases community role in appointing teachers in indigenous schools. This decree is in part response to the Native Languages

[545] Note: it is not unexpected that a UN expert on "minority rights" does not address indigenous issues, as the indigenous movements in the Americas have tended to reject being treated under the minorities rubric.

	Law's key article on ethno-education.
20 July 2010	Bicentenary of Colombian Independence. The celebrations of this day were just one part of the activities of the Bicentenary Year, for which the Culture Ministry had particular responsibility. It would seem that the planning and delivery of such events occupied a large part of Minister Moreno's agenda, which may be another factor explaining the lack of a push to sustain the work of the PPDE in the last 6 months of her term.
Late July 2010	**Minister Moreno insists that the Populations Division renew the contracts for the 3 remaining PPDE national coordinators, which had been delayed.**
7 Aug 2010	**Following election of former Defence Minister Juan Manuel Santos to replace Alvaro Uribe as President, Mariana Garcés Córdoba replaces Paula Moreno as Minister of Culture.**
7 Aug 2010	President-elect Santos attended a dawn ceremony in the Sierra Nevada at which he received a baton and blessings from religious leaders of the Arhuaco and Kogi people, before flying to Bogota to the official inauguration, where his address opened with a reference to Colombia's cultural and ethnic diversity.[546]
17 August 2010	**Culture Ministry press release: At launch of indigenous poetry collection, ex-Minister Moreno noted that many Colombians need native language interpreters for dealing with the health and justice systems. The divisional director said the Culture Ministry had just signed agreements with two universities for training interpreters. However, I was later informed by academics who had been in the relevant meetings in mid-2010 that nothing had been done in relation to those agreements (which in one case were actually focused on teacher training, not educating interpreters).**
22 August 2010	**Launch of publication of results of the Sociolinguistic Autodiagnostic's First Campaign – five tomes, one for each macro-region. However, although a run was printed, the books are never publicly released by the division.**
Sep-Nov 2010	**Second Campaign of surveys for the Sociolinguistic Autodiagnostic. 14 languages selected (including Romany and the creole language of San Andrés), but only partly completed.**
Sept 2010	**Landaburu prepared draft Regulations for the creation of the Native Languages National Advisory Council. However, the PPDE team was not able to proceed with consultation meetings with the ethnic groups in regard to those Regulations.**
7 October 2010	ICANH anthropologist Margarita Chaves provided expert report to a senator proposing constitutional amendment to make preschool education obligatory for ages 1-3 "while guaranteeing that such education provides the basis for knowledge and preservation of ethnic group languages". Her report notes: * putting children into school environments would increase risk of mother tongue loss because it would mean removal from the family and immediate community context which are the loci of indigenous language learning; * ethno-education has problems, such as insufficient professionalisation of teachers, much greater use of Spanish than of minority languages, and the fact that control of ethno-

[546] By such gestures and a moderation that contrasted with Uribe's assertive style, Santos managed to win the support of people who had been alienated by his predecessor – for example, those concerned with human rights, judicial independence, indigenous rights. A few months later the Green Party joined the pro-government coalition that comprises 90% of Congress, with leftwing Alternative Democratic Pole constituting the official opposition.

	education has become a field of dispute between indigenous leaders and state institutions; * the Native Languages Law, while rescuing "the community of speakers as the vital nucleus of the policy of preservation of linguistic diversity, ends up turning indigenous languages into heritage [patrimonialisation] by entering them directly on the lists of national intangible cultural heritage as a means of protection, knowing that if a language is moribund heritage declaration can do little to arrest its decline"; * it is not sufficient to act regarding the educational use of a language at risk but upon the power relations in the specific social context - no law can address the necessities in terms of sociolinguistic conditions; the objective of protecting linguistic diversity should not be to the detriment of viable policies to raise educational quality in indigenous contexts; and that they have serious doubts about the availability of funds for a project addressing Colombia's linguistic diversity… * Education policies for early childhood are laudable but it cannot be considered that to overcome social inequalities children should be temporarily removed from their family context. (The PPDE team did not have input into this report.)
12 Sept 2010	**In interview with university newspaper, Culture Ministry divisional director says that the second campaign of the Sociolinguistic Autodiagnostic is underway and that the third campaign will be conducted in 2011, and comments on the big task ahead in training interpreters and translators.**
29 Oct 2010	*Panamanian Congress approves the indigenous language law introduced by a native legislator the previous year, with only minimal changes; it does not commit state to significant obligations outside of education; there is a right to use native languages before state authorities through an interpreter when Spanish knowledge is lacking.*
Nov 2010	**A second of the four national PPDE coordinators resigns, unhappy with the situation within the division to which the PPDE was transferred. A third coordinator dies unexpectedly.**
Dec 2010	**President Santos delivered a speech regarding the work of Culture Ministry that covers the great value of the Spanish language, but does not mention native languages nor the fact that the Native Languages Law was passed in the previous 12 months. [A source in the ministry told me that the details in his speech would have come from the new Culture Minister, who in turn would have received inputs from her divisional directors.]**
16 Dec 2010	**Culture Ministry met with representatives of indigenous and creole organisations in relation to developing Regulations for the Native Languages Law. However, in July 2011 some of the organisation members who were present said nothing had been done since.**
Jan 2011	International Year for People of African Descent (coordinated by UN High Commission for Human Rights): a key theme for activities of Colombian Culture Ministry, and particularly Division for Populations.
Jan 2011	*Paraguay promulgated language law, making it the seventh Latin American country to do so. In this case the emphasis is on equalising the status of Guarani and Spanish; the other indigenous languages have rights accorded to their speakers but inferior status.*[547]

[547] Paraguay is a unique case in the western hemisphere owing to several quirks in its historical experience: it is the only country in the Americas where an overwhelming majority, at least 80%, speak an indigenous language as well as (in most cases) Spanish, yet almost none of those people identity as indigenous, even if they are partly

Early Jan 2011	**The permanent ministerial staff member working on the PPDE was transferred to another unit within Culture Ministry. The contract of the consultant who had been meeting with ministries and other entities in relation to the Native Languages Law expired in December without being renewed.**
Jan 2011	Protocol agreed for executing prior consultation of National Development Plan 2010-2014 with indigenous peoples, Afro-Colombian and Roma communities – first time the plan had been subject to this process. The Constitutional Court criticised the Uribe governmet for not doing so for the 2006-2010 plan. The completed plan contains no reference to the Autodiagnostic work of the PPDE (and therefore there is no projection of spending on it), and only limited mention of the Native Languages Law – with the exception of the section on the ethnic group Raizales (San Andrés and Providencia Creole-speaking islanders), which emphasises a need to implement the 2003 accord on Spanish/English/Creole trilingualism.
14 Jan 2011	*Charter on Language Policy and Language Rights in the Creole-speaking Caribbean adopted at a conference (primarily of linguists, from both francophone and Anglophone countries) in Jamaica. It provided for the creation of a Regional Council on Language Policy and Language Rights.*
20 Jan 2011	*13th OAS Meeting of Negotiations on Draft Inter-American Declaration on the Rights of Indigenous Peoples. Consensus on Article XII: right to cultural identity & integrity and to cultural heritage (tangible & intangible, including historic & ancestral heritage); and to protection, maintenance, & development of that heritage for their collective continuity and that of their members and so as to transmit to future generations.*
Early 2011	**The Culture Ministry asked one of the main Creole language activists on San Andrés to prepare translations of the Native Languages Law into English and Creole. During the same period, the demographers at Externado University had been trying to get the Culture Ministry to release the Autodiagnostic surveys that the PPDE team had applied in San Andrés and Providence in November 2010. The demographers were finally given the surveys in September 2011, and immediately commenced analysis of the results. It appears that people on the islands had never been informed of what had happened, and formal requests were made of the Culture Ministry in an effort to obtain the survey forms.**
4 Feb 2011	In sentence T-051/11 the Constitutional Court ruled on a *tutela* by a deaf student who had been refused a sign language interpreter in order to train as a teacher. The city government concerned was ordered to devise a plan within two weeks to provide interpretation in education for all deaf pupils. The Court even struck down a clause of the Education Ministry's Decree 366 of 2009 that enabled local education authorities to evade their obligations when deaf student numbers are low. The Court also critically noted the lengthy delay from legislating state obligations re deaf education in 1994 (General Education Law), 1996 (law recognising sign language and rights for deaf population) and 2005 (law for equality of opportunities for deaf) to promulgating regulations that translated those into actions to be taken by local authorities. This is only the second Constitutional Court ruling on linguistic rights, after the 1994 case on use of indigenous language on radio during political campaigns (as opposed to the issue of deaf discrimination). It shows the Court's willingness to insist on implementation of economic, social & cultural rights – and may point a way forward for enforcement of

or even predominantly of native ancestry. The aboriginal percentage of the population is only 1.6%, speaking a variety of languages – and the subject of a number of key recent decisions in the Inter-American Court of Human Rights in relation to insufficient state respect for their economic, social and cultural rights.

	the LNN (most pertinently, of the sections providing for native language interpreters for courts, health services and public administration).
3 March 2011	Constitutional Court decision T-129 halted three projects (construction of highway, electric power line to Panama, and goldmine) for not properly consulting and securing the consent of affected indigenous communities – so this confirmed that it is not just large-scale projects that require the "free, prior, and informed consent" of native communities (although the Court also said that the general interest could be put before that of an indigenous people, providing proper consultation occurs). It also ordered that the sentence be published in the Embera-Katio language – the first time it has made such an order. The judgment also emphasised state obligations to protect the nation's cultural wealth and rights to participate in culture.
4 March 2011	**The contract of the fourth and final national PPDE coordinator expired and she left Culture Ministry (returning to work with CRIC).** **Demographer Yolanda Bodnar continued analysing the data on the surveys of the Wayúu (and later, those from San Andrés), but as part of her university workload, without Culture Ministry support.**
18 March 2011	**In interview with Universidad Nacional Radio, divisional director says Culture Ministry had developed diagnostics for 34 languages in order to prepare Safeguard Plans to revitalise and protect them. In an event with indigenous leaders a few days later he referred to the importance of working to strengthen indigenous languages, with the support of the Culture Ministry and Caro & Cuervo Institute to maintain the vitality of existing languages and recover ones that have been lost.**
Apr 2011	**Festival of Languages held as part of the Bogotá International Book Fair, as a joint effort of Culture Ministry, the Bogotá City Government and the health fund Colsubsidio. An estimated 110,000 people visit, including 80,000 children. In interviews and speeches the divisional director cites this as the chief achievement of the PPDE for the year. [It would seem that the attendance far exceeded that at the 2009 Festival of Languages, although, like the earlier version, it was confined to Bogotá – and unlikely to have much impact on the sociolinguistic practices in the native communities.]**
16-17 May 2011	Seminar "Towards a Participatory Construction of a Language Policy for the Archipelago of San Andres, Providence, and St. Kathleen" held at the San Andrés campus of the National University. This was funded by the departmental education secretariat (using moneys allocated by the national body that confiscates drug trafficking assets). The education secretary has held the post since the late 1990s; a Raizal (native islander) himself, he holds the view the Creole is does not belong in the classroom. He therefore supports a Spanish/English bilingual policy, rather than trilingual, and has opposed classroom trials using Creole. However, other figures in the Raizal community who are active in language issues – and who include leaders of the separatist group AMEN-SD [see 1 June 2007 entry] – firmly believe that Creole is a separate language, and as a mother tongue it should be the medium of initial schooling. They wish to have implementation of the 2003 agreement on a trilingual policy for the islands. While the debate has raged, the school system has remained dominated by Spanish.[548]
10 June 2011	UN Secretary-General attended signing in Bogotá of Victims' Rights and Land Restitution Law, designed to provide redress for non-combatants who suffered various forms of harm as

[548] Meanwhile, in the autonomous regions of Nicaragua's Caribbean/Atlantic coast, a very similar form of creole has been firmly entrenched in the schools for over a decade; and in fact in some cases is being used to teach indigenous children whose ancestral languages are at risk of disappearing.

	a result of conflict since 1985, with provision for symbolic reparation for victims from before that date. The preceding months had seen an outcry from ethnic organisations and indigenous authorities over the failure to consult them on the Bill. An agreement was reached to prepare a separate decree (to be issued by the presidency) that would be the result of a full process of *concertación*/consultation with the ethnic groups.
24-26 June 2011	Five members of Zenú indigenous communities killed by paramilitaries; eight killed earlier in 2011.
3 July 2011	**The only Culture Ministry employee still working full-time on the PPDE work (recently graduated from an undergraduate program with a linguistics major, and not a member of the PPDE team that existed 2008-2010) explained that the ministry was considering asking for a presidential prorogation of the requirement to complete application of the Autodiagnostic by 25 Jan 2012 but expected to have regulations ready for the National Advisory Council on Native Languages. They were developing a Safeguard Plan for the Palenquero language, which would serve as a model for other languages.**
9 July 2011	FARC attacked police stations in six predominantly Nasa villages in Cauca, killing two and injuring hundreds gathered for market day in the plaza of Toribio.
20 July 2011	CRIC announced a new "Minga of Resistance" to push for a complete demilitarisation by all armed actors in indigenous territories (noting that UN Declaration on Indigenous Peoples says military bases cannot be constructed in indigenous territories without adequate prior consultation).
21 July 2011	**Gabriel Muyuy (indigenous leader and ex-Senator), head of the newly established Presidential Program for the Integral Development of Indigenous Peoples, met with Landaburu and the new Basque Vice-Minister of Language Policy, who was visiting to follow up the Basque agreement with Culture Ministry. Muyuy sent a letter to Culture Ministry complaining about its lack of progress with its Native Languages Law obligations.**
24 July 2011	**A Culture Ministry official who had not been supportive of the PPDE expressed criticisms of the Sociolinguistic Diagnostic, claiming that: it did not follow the nine principles of the 2003 UNESCO report on endangered languages; it did not incorporate the reality of the armed conflict; it had not been carried out in conjunction with all the relevant stakeholders (such as departmental education and culture secretaries, municipal officials, community leaders). This official did not acknowledge the controversy about improper consultation of the Native Languages Law, instead saying that the legislation had been very well consulted; and also expressing the opinion that every action has to come out of the communities, and not be imposed from outside.**
Sept 2011	A leading national newspaper reported on the documentary "Born on the 31st of December", which reveals that hundreds of Wayúu unable to read Spanish had been given identity cards with derogatory names (and birthdate of 31 Dec). Within a week the national Registry announced that the cards could be replaced without the US$50 re-issue fee. There was no mention of the Native Languages Law, which includes the right to names in native language.
Early Oct 2011	Indigenous organisations met in Bogotá to work on their proposal for a decree for the Victims Law [see 10 June 2010 entry], which would then be reconciled to the government's draft. A number of leaders/activists were too busy with the victims' decree workshops, which were clearly a very high priority, to attend the languages congress that overlapped with it.

Oct 2011	**2nd Congress for Teaching of Native Languages held in Bogotá – the first such congress was held in 1999. Persons involved with its organisation admitted that one of the motives was to apply pressure on Culture Ministry to resume implementation of the PPDE and Native Languages Law.** **Ethno-educators arrived from at least 20 indigenous groups (plus the Palenquero community) and give presentations on their particular experiences in establishing education programmes. Several speakers, both indigenous and non-indigenous, were openly critical of the Culture Ministry for its delays in implementing the Native Languages Law – particularly the Education Ministry, charged with developing regulations for the legislation's education article but unable to do so without significant input from the responsible division in its sister ministry. The Education Ministry also announced an intention to repeat this congress biennially going forward.** **In a speech on the first of the five days, the director of the responsible division in the Culture Ministry (who was not otherwise present at the event) referred to their work regarding cultural diversity, but did not mention any actions in relation to the Native Languages Law or the Sociolinguistic Autodiagnostic.** **In a workshop on the final day, a staff member from the responsible division in the Culture Ministry explained that the third campaign was not being done with surveys at all, but simply through discussions with leaders and educators within each ethnic group. This staff member claimed that a full report of the three campaigns would be released in Nov/Dec, and that it was necessary for the results of the first two campaigns to be discussed with the peoples concerned (even though there were meetings in 2009 that had done this with the communities from the first campaign – i.e., it appears to be an invalid reason for not publishing the book of the first campaign's results that was ready in August 2011).** **Delegates of the Basque Vice-Ministry of Language Policy were in attendance. They renewed their agreement with the Culture Ministry but admitted disappointment with its lack of action on the Sociolinguistic Autodiagnostic. They also met with officials from the Education Ministry, with whom they signed a new agreement.**
Oct 2011	US President Obama signed US-Colombia Free Trade Agreement following approval by US Congress (satisfied by steps to enhance labour rights and take action against murders of hundreds of union activists). It had been signed in Nov 2006, approved by Colombia's Congress in June 2007 and upheld by its Constitutional Court in July 2008 in the face of strong opposition by indigenous, Afro-Colombian, trade union and leftwing groupings (who had been lobbying US Democrats). An similar agreement with Canada had been concluded in August 2011.
Dec 2011	Following a process of *concertación* between the government and gatherings of ethnic group organisations, with very significant input from the latter, three decrees were agreed – one each for indigenous, Afro-Colombians and Roma – that detailed the mechanisms for applying the Victims' Rights and Land Restitution Law to those communities [see 10 June 2011 entry above]. Several measures require the availability of interpreters as part of the provision of services (such as rehabilitation) and the translation of documents into native languages. At one point it is noted that, in development of the Native Languages Law, the Culture Ministry and Education Ministry will collaborate with territorial entities (municipalities and *resguardos*) in creating programs for training translators and interpreters. The decree refers to the need to provide culturally appropriate education to child victims, and repeatedly emphasises concepts such as links to territory and community, cultural integrity, transmission of values, the collective and individual nature of reparation, traditional and natural laws, and cultural survival.

25 Jan 2012	**Culture Ministry has still not announced regulations creating National Advisory Council for Native Languages, nor the 10 Year Plan; unclear whether it managed to finish up the Sociolinguistic Diagnostic using its focus group shortcut. Under the Native Languages Law, 25 Jan 2011 is the deadline for all three actions. It has not published the results of the full Autodiagnostic, as promised in October 2011 for November 2011 release.**

APPENDIX C

Media stories and Culture Ministry press releases regarding the PPDE, Native Languages Law and related matters

	2008
23 Jan	**Programa de protección a la diversidad etnolingüística** http://www.mincultura.gov.co/?idcategoria=6081 http://www.mincultura.gov.co/?idcategoria=6083# http://www.mincultura.gov.co/?idcategoria=6082#
8 Feb	**Mincultura lanza programa de protección a lenguas nativas** http://site.inali.gob.mx/intranet/yportal.php?t=nota&e=12024842108871640 0&cve=Si080208
9 Feb	**Hay que frenar la hecatombe lingüística** www.semana.com/wf_ImprimirArticulo.aspx?IdArt=109338
9 Feb	**Colombia tendrá programa para proteger las lenguas nativas** http://noticias.universia.net.co/publicaciones/noticia/2008/02/09/244880/colombia-tendra-programa-proteger-lenguas-nativas.html
12 Feb	**Para defender las lenguas nativas, Ministerio de Cultura lanza programa especial** www.eltiempo.com/archivo/documento/CMS-3956739
12 Feb	**Colombia: Mincultura lanza programa de protección a lenguas nativas** www.oei.es/noticias/spip.php?article1964 **Colombia busca salvar 65 lenguas nativas en peligro de desaparecer** www.soitu.es/soitu/2008/02/13/info/1202943286_161258.html. **Ministerio de Cultura de Colombia lanza programa de protección a lenguas nativas** www.lacult.org/noticias/showitem.php?uid_ext=&getipr=NjYuMjQ5LjcxLjY4&lg=2&id=1538
21 Feb	**Los países americanos intentan salvar de la extinción a las lenguas nativas** www.soitu.es/soitu/2008/02/21/info/1203556890_013901.html
1 Mar	**Cuidado con las lenguas** www.eltiempo.com/archivo/documento/MAM-2846747 www.mineducacion.gov.co/observatorio/1722/article-212913.html
10 Mar	**Colombia: Programa de Protección a la Diversidad Etnolingüística del Ministerio de Cultura busca conservar cinco lenguas autóctonas al borde de la extinción**. http://universidadypatrimonio.net/doc/N0957_intercambio.pdf **Programa de Protección a la Diversidad Etnolingüística del Ministerio de Cultura busca conservar cinco lenguas autóctonas al borde de la extinción**. http://universityandheritage.net/Boletin_FUUP_html/2008-26-05_esp.pdf
30 Mar	**¿Cómo preservar nuestras 67 lenguas?** www.semana.com/wf_ImprimirArticulo.aspx?IdArt=110858 **Una riqueza colombiana: 67 lenguas qué defender** www.semana.com/wf_InfoArticulo.aspx?IdArt=110625 http://etnicografica.wordpress.com/2009/03/
4 Apr	**El Ministerio de Cultura de Colombia emprende proyecto de ecología lingüísitca** http://nilavigil.wordpress.com/2008/03/04/el-ministerio-de-cultura-de-colombia-emprende-proyecto-de-ecologia-linguisitca/

20 Apr	**LENGUAS INDÍGENAS, EN ALERTA ROJA** http://colombia.indymedia.org/news/2008/04/85262.php www.escuelainclusiva.cl/lenguas-indigenas-en-alerta-roja
21 Apr	**UNA RIQUEZA COLOMBIANA: ¿CÓMO PRESERVAR NUESTRAS 67 LENGUAS** http://colombia.indymedia.org/news/2008/04/85297.php
16 May	**Kankuamos inauguran el primer canal de televisión indígena de Colombia** www.elespectador.com/entretenimiento/arteygente/medios/articulo-kankuanos-inauguran-el-primer-canal-de-television-indigen
20 May	**Comienza unión entre vascos e indígenas para salvar lenguas nativas** www.mineducacion.gov.co/cvn/1665/w3-article-160892.html **Al rescate de las lenguas nativas** www.elespectador.com/noticias/nacional/articulo-al-rescate-de-lenguas-nativas **Lingüistas vascos se reúnen en Bogotá para salvar las lenguas nativas colombianas**. www.soitu.es/soitu/2008/05/20/info/1211252461_343896.html
20 May	**Seminario-Taller para la Protección de Lengua Wayúu** http://actualidadmaicao.blogspot.com/2008_05_18_archive.html
16 July	**Mincultura emprende proyecto para proteger las 67 lenguas que tiene Colombia** www.cambio.com.co/culturacambio/785/ARTICULO-WEB-NOTA_INTERIOR_CAMBIO-4379839.html **Las lenguas son la reserva espiritual de la humanidad** www.cambio.com.co/culturacambio/785/ARTICULO-WEB-NOTA_INTERIOR_CAMBIO-4379871.html **Ejemplos de la lengua ri Palenge** www.cambio.com.co/culturacambio/785/ARTICULO-WEB-NOTA_INTERIOR_CAMBIO-4379891.html
23 Aug	**País de lenguas** www.semana.com/wf_InfoArticulo.aspx?IdArt=114715 www.semana.com/wf_ImprimirArticulo.aspx?IdArt=114651 **Lenguas aborígenes en vía de extinción** www.semana.com/on-line/lenguas-aborigenes-via-extincion/114651-3.aspx http://etnicografica.wordpress.com/2009/03/
28 Aug	**Mincultura realizará el XIV Conversatorio Regional "Cultura para Todos" en el Guainía** www.mincultura.gov.co/index.php?idcategoria=9230
30 Oct	**Programa de Protección a la Diversidad Etnoligüística** http://www.micrositios.us/~ovillamil/min_cultura2008//?idcategoria=5113
11 Dec	**MinCultura promueve el primer Foro Nacional de Legislación Lingüística** www.micrositios.us/~aforero/min_cultura2008/?idcategoria=9382 http://notiwayuu.blogspot.com/2008/12/mincultura-promueve-el-primer-foro.html
17 Dec	**Se habla mucho más que español** www.elespectador.com/impreso/cultura/articuloimpreso99953-se-habla-mucho-mas-espanol **Foro Nacional sobre legislación lingüística: Se habla mucho más que español.** http://foro.univision.com/t5/Colombia/Diversidad-linguistica/m-p/303083242;jsessionid=FB7A9C6294A6701502B528962ADF0960 **A propósito de la Semánala de la Lénguala, Palabra y Diversidad** in April 2009 edition

	www.udea.edu.co/portal/page/portal/bibliotecaSedesDependencias/unidadesAcademicas/FacultadMedicina/BilbiotecaDiseno/Archivos/PublicacionesMedios/BoletinPrincipioActivo/Boletin_130_Facultad_de_Medicina.pdf
18 Dec	**La Comunidad del País Vasco enseña la experiencia para salvar lenguas nativas en Colombia** www.soitu.es/soitu/2008/12/18/info/1229640138_931751.html
	2009
6 Mar	**Mincultura construye con grupos étnicos nueva Ley de lenguas nativas** www.mincultura.gov.co/?idcategoria=19056 **Dalila Gómez, representante del Pueblo Gitano; Marceliano Jamioy, representante del Pueblo Kamsá; representate de la oficina jurídica del Ministerio de Cultura; José Narciso Jamioy, representante del Pueblo Kamsá y Rubiel Zalabata, representante del Pueblo Arhuaco.** www.mincultura.gov.co/index.php?idcategoria=19058]
6 Mar	**Mincultura construye con grupos étnicos nueva Ley de lenguas nativas** www.mineducacion.gov.co/cvn/1665/article-184457.html **Grupos étnicos construyen nueva Ley de lenguas nativas con Mincultura** hemeracomunicar.org (NO LONGER AVAILABLE)
9 Mar	**Mincultura construye con grupos étnicos nueva Ley de lenguas nativas** www.youtube.com/watch?v=5V_KRYiKUC8 http://video.filestube.com/watch,2dc3828c3ba6c35103ea/Mincultura-construye-con-grupos-%C3%A9tnicos-nueva-Ley-de-lenguas-nativas.html
12 Mar	**Mincultura espera aprobación de nueva ley de lenguas nativas** www.vanguardia.com/historico/23298-mincultura-espera-aprobacion-de-nueva-ley-de-lenguas-nativas
13 Mar	**Ley para recuperar el patrimonio indígena** www.larepublica.com.co/archivos/TENDENCIAS/2009-03-13/ley-para-recuperar-el-patrimonio-indigena_68979.php www.mineducacion.gov.co/observatorio/1722/article-185126.html
18 Mar	**Mincultura radicó <u>tres</u> proyectos de ley** www.mincultura.gov.co/index.php?idcategoria=20303 www.mineducacion.gov.co/cvn/1665/printer-185509.html
20 Mar	**Proyecto de Ley de Lenguas Nativas** http://mundogitano.es/index.php/news/america/320-colombia-proyecto-de-ley-de-lenguas-nativas
20 Mar	**Ejercicio de Planeación con el equipo de la Dirección de Poblaciones** www.mincultura.gov.co/index.php?idcategoria=20220
25 Mar	**Borrador del Proyecto de Ley sobre Lenguas Nativas** www.mundogitano.es/index.php/news/america/337-colombia-ministerio-de-cultura-borrador-del-proyecto-de-ley-sobre-lenguas-nativas
30 Mar	***¿Porqué se presentó una ley de lenguas nativas ante el Congreso de la República?*** www.mincultura.gov.co/?idcategoria=28793
8 Apr	**Las lenguas nativas** http://www.semana.com/wf_ImprimirArticulo.aspx?IdArt=122705
14 Apr	**Diversidad lingüística en Colombia** http://olvidados.blogia.com/2009/041401-diversidad-linguistica-en-colombia.php
15 Apr	**El XVII Conversatorio Regional 'Cultura para todos' se realizará en Caqueta** www.micrositios.us/~aforero/min_cultura2008/?idcategoria=21148

15 Apr	**Se lanzó la Fiesta de las Lenguas Nativas** www.emisoraejercito.mil.co/index.php?idcategoria=5442
16 Apr	**Día de 'los idiomas'** www.elespectador.com/impreso/cultura/cultura/articuloimpreso136319-abril-23-dia-de-los-idiomas
18 Apr	**Fiesta de las lenguas nativas en Bogotá** www.mundogitano.es/index.php/news/america/405-colombia-fiesta-de-las-lenguas-nativas-en-bogota
20 Apr	**Empezó en Bogotá la primera Fiesta de las Lenguas Nativas de Colombia** http://www.micrositios.us/~aforero/min_cultura2008/index.php?idcategoria=1161 www.mincultura.gov.co/?idcategoria=21222&download=Y
20 Apr	**Lenguas nativas tienen la palabra** www.eltiempo.com/archivo/documento/MAM-3406845 **Este lunes se inicia la I Fiesta de Lenguas Nativas, en Bogotá** www.eltiempo.com/archivo/documento/CMS-5006608
20 Apr	**Inicia en Bogotá la Primera Fiesta de las Lenguas Nativas** www.radiosantafe.com/2009/04/20/inicia-en-bogota-la-primera-fiesta-de-las-lenguas-nativas/ **SE INICIA LA CELEBRACIÓN DEL DIA DEL IDIOMA abril 2009 SE ABRE EL TELON DE LA PRIMERA FIESTA DE LENGUAS NATIVAS** www.unad.edu.co/boletin/index.php?option=com_content&view=article&id=123%3Aboletin-abril-2009-&catid=67%3Aabril&Itemid=110&showall=1 **Colombia inaugura su Primera Fiesta de las Lenguas Nativas** www.soitu.es/soitu/2009/04/21/info/1240278946_944721.html **Celebración nacional: En el Día del Idioma: Fiesta de las Lenguas Nativas** www.aredmag.org.co/?apc=i-------&x=2700
21 Apr	**Fiesta de las Lenguas Nativas de Colombia** www.youtube.com/watch?v=7gVdzkLmYBU&feature=related
22 Apr	**El pueblo gitano se reúne en Bogotá** www.mincultura.gov.co/?idcategoria=21274. www.mineducacion.gov.co/cvn/1665/w3-article-188311.html www.mundogitano.es/index.php/news/america/431-colombia-el-pueblo-gitano-se-reune-en-bogota www.gypsyworld.org/index.php/news/america/431-colombia-el-pueblo-gitano-se-reune-en-bogota
22 Apr	**Colombia cubun mabié** http://elespectador.com/articulo137287-colombia-cubun-mabie www.mineducacion.gov.co/observatorio/1722/article-188297.html
23 Apr	**Colombia cubun mabié** http://www.mineducacion.gov.co/observatorio/1722/article-188297.html
29 Apr	**La Chorrera memoria presente** www.micrositios.us/~aforero/min_cultura2008/?idcategoria=21399
8 May	**Proyecto de ley de lenguas nativas en Colombia** www.gipuzkoaeuskara.net/albisteak/1241763439
18 May	**LEYES COLOMBIANAS PARA ACABAR CON LOS CIEN AÑOS DE SOLEDAD DE SUS CULTURAS INDÍGENAS** www.elportalvoz.com/index.php?option=com_content&view=article&id=479:leyes-colombianas-contra-los-qcien-anos-de-soledadq-de-su-culturas-indigenas&catid=5:experiencias&Itemid=96
20 May	**Política de protección de la diversidad etnolingüística (PPDE)**

	www.micrositios.us/~ovillamil/min_cultura2008//index.php?idcategoria=23067
21 May	**Proyecto de ley de lenguas nativas en trámite** http://video.atei.es/development/index.php?option=com_videos&task=detail&id=2463
28 May	**Ayúdenos a proteger y fortalecer la diversidad etnolingüística de Colombia** www.micrositios.us/~aforero/min_cultura2008/?idcategoria=23277
12 June	**Nueva Ley de lenguas nativas en Colombia** www.lasallebilbao.com/Default.aspx?tabid=172
25 June	**Un espacio para reconocer y visibilizar a los grupos étnicos colombianos** www.mincultura.gov.co/index.php?idcategoria=24194
2 July	**Mincultura, de visita por Chocó** www.mincultura.gov.co/index.php?idcategoria=24276&print&inf=0 www.elespectador.com/impreso/cultura/articuloimpreso148707-ultimo-canto-del-negrito-contento
13 July	**Más de 60 lenguas nativas en el país sobrevivieron a la conquista española** www.elespectador.com/noticias/actualidad/articulo150430-mas-de-60-lenguas-nativas-el-pais-sobrevivieron-conquista-espanol
26 Aug	**Proyecto de Recuperación de registros orales de lenguas amenazadas en Colombia** www.archivogeneral.gov.co/index.php?idcategoria=2237
27 Sept	**Situación socio-lingüística** www.micrositios.us/~ovillamil/min_cultura2008//?idcategoria=28036
29 Sept	**Un espacio virtual que reconoce la diversidad cultural colombiana** www.mincultura.gov.co/index.php?idcategoria=25496
31 Sept	**Evaluación de mitad de período Segundo Decenio Internacional de los Pueblos Indígenas del Mundo 2005-2014** www.un.org/esa/socdev/unpfii/documents/Second_%20Decade_%20Mid_Eva_Answers/PDF%20version%20Gov/Colombia.pdf
7 Oct	**Fue aprobado en tercer debate proyecto de ley de Lenguas Nativas** *www.mincultura.gov.co/index.php?idcategoria=28235* http://www.micrositios.us/~aforero/min_cultura2008/?idcategoria=28235
26 Oct	**Grupos étnicos del país se reunieron en Bogotá durante la 'Mesa Nacional de Poblaciones'** www.micrositios.us/~aforero/min_cultura2008/?idcategoria=28003
30 Oct	**22º Conversatorio 'Cultura para Todos' en San José de Guaviare** www.mincultura.gov.co/index.php?idcategoria=28146 www.mineducacion.gov.co/cvn/1665/article-207529.html
11 Nov	**MinCultura revela estado de la lengua Tule** www.mincultura.gov.co/index.php?idcategoria=28595
17 Nov	**La mayoría de los ette ennaka no habla su lengua** www.mincultura.gov.co/index.php?idcategoria=28637 www.mineducacion.gov.co/cvn/1665/w3-article-209269.html
23 Nov	**¿Cómo funciona el Programa? - Ministerio de Cultura** www.micrositios.us/~ovillamil/min_cultura2008/index.php?idcategoria=28788
23 Nov	**¿Cuál es el estado de la lengua maach meu, del pueblo indígena wounaan?** www.mincultura.gov.co/index.php?idcategoria=28753 **¿Cual es el estado de la lengua maach meu, del pueblo wounaan?** www.canalpatrimonio.com/es/noticias/?iddoc=54631 http://masguau.com/2009/11/23/ministerio-de-cultura-estado-de-la-lengua-maach-

	meu-del-pueblo-indigena-wounaan/# **Mincultura presentó en el Chocó el estado de vitalidad de la lengua maach meu** www.territoriochocoano.com/secciones/informacion-general/168.html
26 Nov	**El 70% de la población de los grupos étnicos aún habla su lengua** www.elespectador.com/impreso/cultura/articuloimpreso174419-el-70-de-poblacion-de-los-grupos-etnicos-aun-habla-su-lengua
30 Nov	**La mayoría de los indígenas tucanos y cubeos hablan su propia lengua** www.llanera.com/index.php?id=9369
7 Dec	**Cómo están hoy las 68 lenguas nativas colombianas** http://issuu.com/adncol/docs/adn-bogota-diciembre7
9 Dec	**Aprueban Ley para preservar 68 lenguas nativas del país** www.eltiempo.com/archivo/documento/CMS-6772052 **Congreso aprueba Ley para proteger las lenguas nativas de Colombia** www.lacult.org/noticias/showitem.php?uid_ext=&getipr=66.249.71.8&lg=1&id=2600 **Congreso de Colombia aprueba Ley para proteger las lenguas nativas del país** http://groups.google.com/group/etnolinguistica/msg/ad8d72c2aba06449 **Congreso aprueba Ley para proteger las lenguas nativas del país** www.rcnradio.com/noticias/ministerio-de-cultura/10-12-09/congreso-aprueba-ley-para-proteger-las-lenguas-nativas-del-p
11 Dec	**La nueva Ley de lenguas nativas ordena que las comunidades étnicas tengan traductores al español** www.eltiempo.com/archivo/documento/CMS-6790347 http://m.eltiempo.com/culturayocio/la-nueva-ley-de-lenguas-nativas-ordena-que-las-comunidades-etnicas-tengan-traductores-al-espanol/6790347
11 Dec	**Punto a favor de las lenguas.** www.mineducacion.gov.co/observatorio/1722/article-211898.html
12 Dec	**El Congreso aprueba ley de Lenguas Nativas** www.mundogitano.es/index.php/news/america/869-colombia-el-congreso-aprueba-ley-de-lenguas-nativas www.gypsyworld.org/index.php/news/america/869-colombia-el-congreso-aprueba-ley-de-lenguas-nativas www.gitanosdcolombia.org/cgi-sys/suspendedpage.cgi?option=com_content&view=article&id=65:ley-proteccion-lenguas-nativas-foto-mincultura&catid=1:latest-news&Itemid=18 NOW DEFUNCT
15 Dec	**Congreso Aprobó Ley De Lenguas Nativas** www.cric-colombia.org/index.php?option=com_content&view=article&id=219%3Acongreso-aprobo-ley-de-lenguas-nativas&Itemid=1
19 Dec	**Un Ministerio trabajado** www.semana.com/noticias-cultura/ministerio-trabajador/132932.aspx www.semana.com/wf_ImprimirArticulo.aspx?IdArt=132932
26 Dec	**Aprobada Ley de Lenguas**. www.semana.com/wf_ImprimirArticulo.aspx?IdArt=133163
28 Dec	**Editorial by Paula Moreno: Las dos palabras** www.eltiempo.com/archivo/documento/MAM-3777946
	2010
4 Jan	**Protection Of Native Languages Act Opens In Colombian Senate** http://indigenouspeoplesissues.com/index.php?option=com_content&view=article&id

	=3447:protection-of-native-languages-act-opens-in-colombian-senate&catid=53:south-america-indigenous-peoples&Itemid=75
10 Jan	**VALIDEZ DE "ABIA YALA" COMO NOMBRE DEL CONTINENTE AMERICANO** http://albicentenario.com/index_archivos/celebracion_continental_49.html
11 Jan	**Colombia: Congreso estrena este año Ley de protección de lenguas nativas** www.fondoindigena.org/notiteca_nota.shtml?x=18210
20 Jan	**Patrimonio Documental Étnico Colombiano** www.archivogeneral.gov.co/?idcategoria=4254
25 Jan	**CONGRESO APROBÓ LEY PARA PROTEGER LAS LENGUAS NATIVAS DEL PAÍS** www.editorialamazonico.com/index.php?option=com_content&view=article&id=4544:congreso-aprobo-ley-para-proteger-las-lenguas-nativas-del-pais&catid=38:cultura&Itemid=40
11 Feb	**Más de la mitad de la población ticuna en Colombia habla bien su lengua** www.micrositios.us/~aforero/min_cultura2008/?idcategoria=34061 www.oei.es/noticias/spip.php?article6452
15 Feb	**Más del 80 por ciento de la comunidad Sikuani habla bien su lengua nativa** www.micrositios.us/~aforero/min_cultura2008/?idcategoria=34239
21 Feb	**El Ministerio de Cultura conmemoró el Día Nacional de las Lenguas Nativas y el Día Internacional de la Lengua Materna** www.mincultura.gov.co/?idcategoria=34281
22 Feb	**El sikuani, una de las lenguas aborígenes de la Orinoquia que más se preserva** www.eltiempo.com/archivo/documento/CMS-7296674 www.teleorinoco.com/2010/02/el-sikuani-una-de-las-lenguas.html
24 Feb	**Un poco más de la mitad de la población wiwa habla bien la lengua damana** www.mincultura.gov.co/index.php?idcategoria=34344
24 Feb	**Colombianas que inspiran** www.eltiempo.com/archivo/documento/CMS-7299349
24 Feb	**Foro Permanente para las Cuestiones Indígenas** www.un.org/esa/socdev/unpfii/documents/E.C.19.2010.12.ADD17ES.pdf
2 Mar	**Sistema Nacional de Archivos** www.archivogeneral.gov.co/index.php?idcategoria=3150 www.archivogeneral.gov.co/index.php?idcategoria=3151
5 Mar	**Un poco más de la mitad de la población sáliba no entiende su lengua** www.mincultura.gov.co/index.php?idcategoria=34537 http://espanol.groups.yahoo.com/group/infoesfera/message/10427
16 Mar	**Colombia y Cataluña se unen para hablar de la protección de lenguas** www.mincultura.gov.co/index.php?idcategoria=35037 www.mineducacion.gov.co/cvn/1665/article-219899.html www.lenguasdecolombia.gov.co/content/colombia-y-catalu%C3%B1-se-unen-para-hablar-de-la-protecci%C3%B3n-de-lenguas
1 Apr	**JL un vasco ejemplar** vascoantioquia.blogspot.com/
5 Apr	**POLÍTICA PÚBLICA CULTURAL PARA EL PUEBLO GITANO** www.mincultura.gov.co/?idcategoria=37857&download=Y
19 Apr	**Conference Amazonice III: TERCER COLOQUIO INTERNACIONAL AMAZÓNICAS**

	www.lotschool.nl/index.php?p=8&date=2010-03-25
22 Apr	**Un día para celebrar la existencia del español y de las lenguas nativas** www.mincultura.gov.co/?idcategoria=36771
22 Apr	**MinCultura presenta libro escrito en lengua nativa y en español** www.micrositios.us/~aforero/min_cultura2008/?idcategoria=36762
24 Apr	**Coloquio internacional AMAZONICAS III. La estructura de las lenguas amazónicas: fonología y sintaxis** lenguasdecolombia.gov.co/content/coloquio-internacional-amazonicas-iii-la-estructura-de-las-lenguas-amaz%C3%B3nicas-fonolog%C3%AD-y-sin
18 May	**Día mundial de la diversidad cultural** www.mincultura.gov.co/bicentenario/2010/05/dia-mundial-de-la-diversidad-cultural/
31 May	**Informe de Gestión 2002-2010** www.mincultura.gov.co/?idcategoria=37395&download=Y
31 May	**Conocimiento y respeto por nuestras comunidades indígenas wayuu** www.cerrejoncoal.com/secciones/CERWEB/HOME/MENUPRINCIPAL/SALADEPRENSA/NOTICIAS/doc_2531_HTML.html?idDocumento=2531
31 May	**M. Landaburu, spécialiste des langues colombiennes** www.ambafrance-co.org/spip.php?article2792
23 June	**Cien años de soledad' será traducida al Wayuunaiki** www.micrositios.us/~aforero/min_cultura2008/?idcategoria=37729
26 June	**Gobierno presenta balance de la gestión cultural** www.semana.com/noticias-nacion/gobierno-presenta-balance-gestion-cultural/140900.aspx
26 July	**Cultura** www.mincultura.gov.co/index.php?idcategoria=38606
26 July	**Encuentro sobre diversidad etnolingüística** www.eluniversal.com.co/cartagena/cultural/encuentro-sobre-diversidad-etnolingueistica
29 July	**Trabajo, hechos y corazón: Balance de Gobierno Colombia 2002-2010. MinCultura entrega un sector fortalecido en su marco legislativo** www.trabajohechosycorazon.com/ministerio/cultura/sector/ http://issuu.com/balancedegobierno_2002_2010/docs/logros_mincultura?mode=embed&layout=http%3A//skin.issuu.com/v/light/layout.xml
1 Aug	**Encuentro de etnoeducadores** www.vamosaandar.com/?p=5017
3 Aug	**En el Museo Nacional se realizó encuentro de la palabra** www.mincultura.gov.co/index.php?idcategoria=38816
13 Aug	**Colombia reconoce derechos de los gitanos** semana.pandac.com/noticias-nacion/colombia-reconoce-derechos-gitanos/143037.aspx elespectador.com/noticias/nacional/articulo-219045-colombia-reconoce-derechos-de-gitanos-y-promovera-sus-practicas-cu www.lapatria.com/story/gobierno-reconoce-derechos-de-gitanos www.terra.com.co/noticias/articulo/html/acu33829-gobierno-reconoce-derechos-de-gitanos-y-promovera-sus-practicas-culturales.htm http://www.dinero.com/actualidad/noticias/colombia-reconoce-derechos-gitanos-promovera-practicas-culturales_75556.aspx www.elheraldo.co/tendencias/colombia-reconocio-los-derechos-de-los-gitanos-y-promovera-sus-practicas-culturales?quicktabs_1=1 www.eltiempo.com/archivo/documento/CMS-7861356
17 Aug	**Compendio de poesía indígena**

	www.eltiempo.com/archivo/documento/MAM-4100247 **Ministerio de Cultura presenta la Biblioteca Básica de los Pueblos Indígenas** www.cambio.com.co/culturacambio/866/ARTICULO-WEB-NOTA_INTERIOR_CAMBIO-7868080.html http://redciecuador.wordpress.com/2010/08/18/abyayala-noticias-indigenas-en-la-prensa/ www.iesalc.unesco.org.ve/index.php?option=com_content&view=article&id=2310%3Aministerio-de-cultura-de-colombia-presenta-la-biblioteca-basica-de-los-pueblos-indigenas&catid=125%3Anoticias&Itemid=586&lang=es
5 Sept	**BOGOTÁ, COLOMBIA: GITANOS CON DERECHOS** www.notivargas.org/internacionales/14392-bogota-colombia-gitanos-con-derechos.html
10 Sept	**La presencia de los invisibles** http://www.revistaarcadia.com/impresa/articulo/la-presencia-invisibles/23281
12 Sept	**Bilingües pasivos, último bastión de lenguas indígenas y criollas** www.unperiodico.unal.edu.co/dper/article/bilinguees-pasivos-ultimo-bastion-de-lenguas-indigenas-y-criollas/
13 Oct	**Hacer visible esa producción como parte del deber del Estado de garantizar el derecho de igualdad** http://www.revistaarcadia.com/opinion/articulo/politicas-visibilizacion/23524
13 Oct	**No alcanzan a reparar todo el trabajo vivo invertido por los miles de esclavizados** http://www.revistaarcadia.com/opinion/articulo/mas-cinco-kilos/23526
13 Oct	**Pero el mercado, globalizado, regido por los medios masivos de comunicación, no reemplaza el poder simbólico y real del Estado y de sus instituciones** www.revistaarcadia.com/opinion/articulo/ellos-nosotros/23522
13 Oct	**Lo indelicado, después de pensarlo, fue esto** http://www.revistaarcadia.com/opinion/articulo/manuel-kalmanovitz-responde/23527
13 Oct	**Universidad de Cartagena debate el espíritu de los Discursos** www.aledcol.org/images/programa.pdf
13 Oct	**Biblioteca de los pueblos Indígenas de Colombia** www.mincultura.gov.co/?idcategoria=40937
19 Oct	**Melba Escobar, Coordinadora del Área de Literatura del Ministerio de Cultura. Asunto** http://ntc-eventos.blogspot.com/2010_08_28_archive.html
21 Oct	**José E. Mosquera. En Blanco & Negro. Más allá de lo invisible** www.elmundo.com/portal/pagina.general.impresion.php?idx=162866
22 Oct	**Al principio y al final. Revista Arcadia** http://www.revistaarcadia.com/Imprimir.aspx?idItem=23734
22 Oct	**Le programme de protection de la diversité ethnolinguistique** http://jsa.revues.org/index11391.html
16 Nov	**El Ministerio de Cultura lamenta el fallecimiento de Juana Pabla Pérez Tejedor, una de sus más fervientes colaboradoras** www.mincultura.gov.co/index.php?idcategoria=41429
17 Nov	**Falleció la lingüista Juana Pabla Pérez Tejedor** www.zonacero.info/index.php?option=com_content&view=article&id=4462:fallecio-la-lingueista-juana-pabla-perez-tejedor&catid=95:sociales&Itemid=128
17 Nov	**El lumbalú para Juana Pabla Pérez Tejedor. MinCultura lamenta muerte de la reconocida palenquera**

	www.eltiempo.com/blogs/afrocolombianidad/2010/11/el-lumbalu-para-juana-pabla-pe.php
17 Nov	**La guardiana de las palabras. Obituario (Impresa). Juana Pabla Pérez Tejedor** www.revistaarcadia.com/impresa/articulo/la-guardiana-palabras/24054
19 Nov	**La mayoría de los ette ennaka no hablan su lengua** www.lenguasdecolombia.gov.co/content/la-mayor%C3%AD-de-los-ette-ennaka-no-hablan-su-lengua-0
19 Nov	**Bogotá, sitio de encuentro de maestros etnoeducadores afrocolombianos** www.mincultura.gov.co/?idcategoria=41492 www.mineducacion.gov.co/observatorio/1722/article-255954.html
27 Nov	**LEY DE LENGUAS** http://issuu.com/chaski-schilenkha/docs/periodico-liceonuevochile
15 Dec	**Paula Marcela cumplió su sueño** http://coprodepa.110mb.com/pdf/AfrobogotanoN7.pdf
	2011
30 Jan	**APROBACIÓN DE LA MESA PERMANENTE DE CONCERTACIÓN, PREACUERDOS CON MINISTERIO DE EDUCACIÓN** http://issuu.com/tierrademaiz/docs/cuadro_educacion_esta
12 Feb	**Un nuevo ciclo para la Cultura en Colombia** http://lapalabra.univalle.edu.co/cultura_febrero11.htm.
19 Feb	www.vanguardia.com/vida-y-estilo/cultura/93307-una-ley-que-puede-ser-lengua-muerta
21 Feb	**Día Mundial de la Lengua Materna y Día Nacional de las Lenguas Nativas** www.mincultura.gov.co/?idcategoria=42641
22 Feb	**Cinco lenguas colombianas casi desaparecidas y otras 19 en serio peligro** www.semana.com/cultura/cinco-lenguas-colombianas-casi-desaparecidas-otras-19-serio-peligro/152224-3.aspx
22 Feb	**Cerca de 34 lenguas nativas están en riesgo de desaparecer** http://www.radionacionaldecolombia.gov.co/index.php?option=com_topcontent&view=article&id=16404:cerca-de-34-lenguas-nativas-estan-en-riesgo-de-desaparecer&catid=5:nacionales
23 Feb	**el Ministerio de Cultura de Colombia advirtió que 19 lenguas están en serio peligro de extinción y cinco más se encuentran casi desaparecidas** http://spanish.news.cn/cultura/2011-02/24/c_13746880.htm www.elmercuriodigital.net/2011/02/24-lenguas-nativas-en-colombia-se.html
23 Feb	**Proponen crear un Icfes para indígenas** www.elespectador.com/impreso/vivir/articulo-252890-proponen-crear-un-icfes-indigenas
6 Mar	**Urge implementar políticas públicas para preservar las lenguas nativas** issuu.com/periodicoalmamater/docs/am_596_marzo_2011
18 Mar	**Lenguas nativas en Colombia, resistiendo desde la palabra** www.agenciadenoticias.unal.edu.co/nc/detalle/article/lenguas-nativas-en-colombia-resistiendo-desde-la-palabra/ http://eje21.com.co/index.php?option=com_content&task=view&id=32403&Itemid=1
22 Mar	**Centro Cultural y recuperación de lenguas nativas son las prioridades de los cabildos en 2011** www.cali.gov.co/publicaciones.php?id=38066
24 Mar	**Las lenguas silentes**

	www.elespectador.com/impreso/vivir/articulo-258794-lenguas-silentes
6 Mar	**UN trabaja en reconstrucción de lenguas aborígenes** www.agenciadenoticias.unal.edu.co/index.php?id=33&tx_ttnews%5Btt_news%5D=23362&tx_ttnews%5Bcat%5D=10&tx_ttnews%5Bpointer%5D=1&cHash=53367833d6
	2012
1 Oct	Se abre convocatoria del Consejo Nacional Asesor De Lenguas Nativas. http://www.mincultura.gov.co/Paginas/default.aspx?idcategoria=50110
9 Oct	Mincultura entrega a Corte traducción en lenguas indígenas de sentencia que protege a pueblos en riesgo. http://www.crespial.org/es/Noticias/Detalle/2058/mincultura-entrega-a-corte-traduccion-en-lenguas-indigenas-de-sentencia-que-protege-a-pueblos-en-riesgo-colombia
16 Nov	MinCultura habla 68 lenguas diferentes. http://www.crespial.org/es/Noticias/Detalle/2178/mincultura-habla-68-lenguas-diferentes-colombia
27 Nov	El Ministerio de Cultura participa en foro de Minorías Étnicas de las Naciones Unidas. http://www.mincultura.gov.co/Paginas/default.aspx?idcategoria=50726
18 Dec	MinCultura invertirá más de 17 mil millones de pesos en las comunidades afrodescendientes, indígenas y rrom. http://www.mincultura.gov.co/Paginas/default.aspx?idcategoria=50959