

Expert Mechanism on the Rights of Indigenous Peoples

Agenda Item 5

Study on the role of Languages and Culture in the promotion and protection of the rights and identity of indigenous peoples

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Wa'tkwanonwera:ton Shewakwe:kon – Greetings to Everyone

We would like to commend the Expert Mechanism on the Rights of Indigenous Peoples for their study on Indigenous languages and culture, We are particularly pleased with the holistic nature of the study depicting the precarious state of Indigenous languages and cultures. The numerous human rights instruments and the jurisprudence of numerous treaty bodies mentioned in their study will provide support and references for Indigenous peoples.

As the EMRIP study clearly states in Para.10.

“The Human Rights Committee, in interpreting the right to culture as set out in article 27 of the International Covenant on Civil and Political Rights, has expressed the positive duties on States to protect indigenous peoples' cultural rights, including their rights in relation to their lands, territories and resources as well as in relation to their traditional activities,⁶ the need to include indigenous peoples in decisions affecting them,⁷ the requirement to interpret the right to culture consistently with the right to self-determination in the context of indigenous peoples' issues,⁸ and has called on States to adopt measures to support the revival of cultures and languages.⁹”

Colonial policies based on patriarchal systems, targeted the roles of Indigenous women whose many responsibilities include the transmission of language, cultural values and norms, as well as the progenitors of our clan system, the source of our traditional forms of governance.

States with a history of colonialism must take full responsibility for the damages they have inflicted upon the very foundation of Indigenous peoples identity: their languages and cultures. They must uphold international rule of law, which recognizes Indigenous peoples to be self-determining. This will allow Indigenous peoples to be equal partners in the decolonization process to regenerate and revitalize the institutions they oppressed.

Our languages and cultures teach us how to care for the land, guide us in our relationships among ourselves, and with all our relations. The health and well being of Indigenous peoples and our lands are dependent upon our languages and cultures which are embedded with our traditional knowledge, customs, traditions and customary laws.

It must therefore be clearly understood that Indigenous languages are essential to our self-determination. Our languages are one of the pillars of our identity as they are living entities, embedded with the traditional knowledge of the teachings of our ancestors. There is also a language of the land whereby we honour the protocol of picking medicines, hunting, fishing; hence all aspects of our right to self-determination. As more land is exploited and appropriated, Indigenous peoples' languages are also being chipped away.

As self-determining peoples, it is our right to protect, promote, regenerate and revitalize the essence of our identity found in our languages, cultures, customs and traditions.

Classifying Indigenous peoples as minorities belies the truth of the history of colonization and assimilation, further contributing to the decline in the use of Indigenous languages and cultures and placing more obstacles in community efforts regarding language and culture revitalization and regeneration.

Linguists have estimated that approximately **"90% of all existing languages may become extinct within the next 100 years"**. Most Indigenous languages speakers are older, and in some cases spoken by a handful of elders. Indigenous languages will not survive unless children and youth are taught the value of their languages by elders and begin using it in their daily lives. Language revitalization is thus at a critical junction and urgent action is needed. Indigenous languages are dying not solely because of colonization and globalization but due mainly because of "deliberate assimilation policies that sought to deny Indigenous peoples their own identities and cultures".

The **right to education in one's own language** cannot be solely a right on paper or in law. It must be valued, supported and spoken by the people themselves. The elimination of racially discriminatory laws and policies is critical to respecting the self-determining rights of Indigenous peoples. The creation of any new laws or policies on education must be done in concert and with the consent of Indigenous peoples and must promote the protection and perpetuation of languages.

Activities such as the translation of the United Nations Declaration on the Rights of Indigenous Peoples into Indigenous languages will promote the implementation of the Declaration based upon our values, cosmology, traditions and customs.

To effectively implement community programs, such as language nests, that motivate families, children and youth to become fluent speakers requires an array of resources inclusive of recurring funding and fluent speakers with traditional knowledge. However, time is of the essence as fluent speakers are dying, taking with them the thought processes and cosmivision of Indigenous peoples.

De-colonization is long over due in states whose foundation is colonialism and which base their relationship with Indigenous peoples upon legislation rooted in Doctrines of Superiority.

Decolonization means access to education for our children and youth in their languages accompanied by curriculum based upon our customs and traditions. Mentorship and apprenticeship programs will enhance the regeneration of our institutions that must meet the needs and demands of contemporary society. Technology must be used to motivate youth to help us breath life into the various human rights instruments which promote and protect the collective rights of indigenous peoples to self-determination. But technology is costly and necessitates the need for adequate ongoing funding

Indigenous identity, culture, language, community, nation and land are inter-related. It is therefore important to understand that Indigenous language revitalization cannot be viewed in isolation. It must be in concert with the **respect, protection and fulfillment of Indigenous peoples' collective rights to their lands and resources.**

State policies that promote official languages of only the settler populations contribute to the decline of Indigenous languages, promote assimilation and perpetuate colonization.

Chronic underfunding of Indigenous language programs contradict the UNDRIP, and a genuine reconciliation and restitution process For example, the Roadmap for Canada's Linguistic Duality 2008-2013: Acting for the Future, states that an unprecedented \$1.1 billion investment promoting an approach that contributes to a better understanding among English-and French-speaking Canadians, and to their mutual enrichment" (7). This is exclusionary, assimilative and the causal factor in the cultural genocide relating to numerous Indigenous languages, cultures and histories in Canada since colonialism.

Recommendation 1: States should support mother tongue literacy, and impress upon Ministers of Education the necessity and advantage of mother tongue literacy among all Indigenous peoples, whether school age or adults;

2: Discussions based upon a nation to nation relationship to implement the UNDRIP are essential to restoring Indigenous languages, and cultures as well as all Indigenous institutions that have been severely harmed by colonial doctrines of superiority and racist legislation, such as Canada's Indian Act.

3. States must reject any policies that continue to perpetuate the Doctrine of Discovery, the Doctrine of Conquest and other Papal Bulls that undermine Indigenous peoples' rights.
4. Having a **right to education in one's own language** must be supported with equivalent opportunities as the states' official languages. The elimination of racially discriminatory laws and policies must coincide with the creation of a decolonized relationship that respects, promotes and nourishes Indigenous customary laws, treaties and the international rule of law.

Even those languages considered to be healthy and vibrant have within them, dialects which are threatened. All Indigenous languages must be considered threatened until there is positive commitment by states to implement the UNDRIP and respect Indigenous customary laws, customs and traditions.

Naomi Kipuri, State of the World's Indigenous Peoples, Chapter ii ,page 7, SOWIP

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