

Right to Identity: Language Rights of Indigenous Peoples and Language Policy of Republic of Sakha (Yakutia)

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Abstract—The language rights are considered as fundamental rights, naturally arising from peoples' right to self-determination. The article is dedicated to the issues of language rights of Indigenous minorities and provides an overview of law initiatives in the Russian Federation and Sakha Republic (Yakutia) that seek to improve the existing language policy put forth by the state government. For an effective language policy aimed at preserving and developing the languages of the indigenous minorities of the North, it is first necessary to identify the areas whose regulation will allow them to successfully implement their language rights. The article presents an analysis the existing laws on the languages of sixteen national republics of the Russian Federation from the point of view of the legal status of the languages and the language rights and the results of sociological study regarding people's beliefs about responsibility for native language maintenance and revitalization.

Keywords—*language rights; indigenous languages; language policy; language revitalization; public organizations; Republic of Sakha (Yakutia).*

I. INTRODUCTION

All nations are endowed with linguistic rights. However, their importance is becoming increasingly relevant for indigenous peoples and ethnic minorities who are culturally and linguistically less integrated into multinational societies. It leads to the loss of their ethnic identity.

At the international level, significant efforts have been made to develop various declarations, conventions and charters that define the linguistic rights of indigenous peoples and ethnic minorities. International organisations such as the UN, UNESCO, Council of Europe, European Parliament, Organization for Security and Cooperation in Europe (OSCE) initiated the projects aimed at protecting their linguistic rights. Article 2 of the Universal Declaration of Human Rights (UHDR) adopted in 1948 claims that "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". The Indigenous and Tribal Peoples Convention or International Labour Organization Convention, also known as ILO-convention 169 established in 1989, provided necessary legal framework for the development of the indigenous peoples self-determination concept. It proclaims the value of indigenous cultures and languages.

II. RESULTS

The 1976 Universal Declaration of the Collective Rights of Peoples proclaimed the right of all peoples to have and develop their own culture, language, rules and regulations, and for this purpose develop their own political, educational, communication and administrative structures within any political system. The Council of Europe also adopted the declarations and conventions. For example, these are 1950 European Convention on the Human Rights (Article 14), 1992 European Charter for Regional or Minority Languages, 1993 Declaration of the Council of Europe's First Summit in Vienna on National Minorities, 1994 the Framework Convention for the Protection of National Minorities (FCNM).

The Universal Declaration of Linguistic Rights signed in 1996 in Barcelona took these and other international legal documents into account. It was designed to "correct linguistic imbalances with a view to ensuring the respect and full development of all languages and establishing the principles for a just and equitable linguistic peace throughout the world as a key factor in the maintenance of harmonious social relations" [1].

Thus, today the respect of the language rights falls within the framework of the general rights of indigenous peoples and national (regional) minorities. Their protection is a means of ensuring inter-ethnic peace. In respect to the indigenous language rights, each state develops its own policy. However, there are some general standards for the implementation of these policies which include:

- the presence of state official languages in the states;

- the use of indigenous peoples and minorities languages in communication with public authorities and justice system;

- introducing the courses on the history and culture of indigenous peoples and national minorities to the general school curriculum;

- teaching minority languages and organising education in minority languages;

- implementing the right to establish private schools;

- ensuring the right of indigenous peoples and minorities to freely exchange information;

- ensuring the right of indigenous peoples and minorities to use their own names.

The linguistic rights of indigenous peoples and national minorities are a component of the national law. They are a special system of legal norms governing the development of ethnicities and interethnic relations.

If there are necessary prerequisites, the minority and minority languages protection can potentially be applied in the Russian Federation to any category of the population. It includes independent institutions and areas of activity:

- “ethnic federalism”, the essence of which is the existence of territorial autonomies with titular nations and official languages;

- federal and regional guarantees of the indigenous minorities special status;

- the right to extraterritorial national-cultural autonomy;

- federal and regional initiatives in the field of support and development of non-state languages (within the framework of targeted programs and other organisational forms);

- government statistics on ethnic and linguistic diversity of the population;

- forms of national minorities and minority languages public protection through civil society structures;

- search for new legal forms of state protection through joint activities of the state and the scientific expert community [5].

Thus, the status of indigenous minorities guarantees special legislative support. According to the Decree of the Government of Russia No. 255 of March 24, 2000, forty-five ethnic categories are officially endowed with appropriate status. Forty of them living in the North or in areas with severe climatic conditions equated to the North belong to the indigenous peoples of the North, Siberia and the Far East. They are united by traditional forms of resource management, adapted to the harsh conditions of the North, a small number (17 of these people number less than 1,500 people), as well as living on the ancestral lands. According to the 2002 All-Russian Census, the total number of indigenous minorities of the North living in twenty-eight regions of the Russian Federation was 244 thousand people, and the number of individual nations ranged from 41 thousand people (Nenets) to 240 people (Ents) [6].

An important step in protecting the rights of small-numbered peoples was the expansion of the government’s list of indigenous minorities of the North from twenty-seven (formed during the USSR) to forty names. It ensured the legal protection of the another thirty thousand people (Alutors, Kamchadals, Kerek, Kumandy, Soyots, Tazy, Telengits, Teleuts, Tubalars, Tuvans-Todzhans, Chelkans, Chulyms) interests.

Formally, forty-seven languages and dialects, to some extent used by small-numbered indigenous peoples, fall under the concept of legislative protection. In reality, support for these languages is provided selectively where relevant opportunities and motivation of the natives exist [5].

Academician of the RAO A.A. Leontyev, a chairman of the Expert Council on Language Policy in the Ministry of Education of the Russian Federation, argues that the official documents on languages adopted in the Russian Federation are among the most developed and progressive in Europe. Already in 1991, the Declaration on the Languages of the Peoples of Russia, adopted by the Supreme Council of the Russian Federation, recognised the “linguistic sovereignty of every nation and person”. It proclaimed “the right of every person to a free choice of the language instruction, upbringing and intellectual creativity, the right of every person to freely choose the language of communication”. The ideas “of the individual linguistic sovereignty”, and guarantees of equal social, economic and legal protection by the state of all languages of the peoples of the Russian Federation are presented in the Laws “On the Languages of the Peoples of the Russian Federation” and “On the Education of the Russian Federation”. In the opinion of experts, they are progressive even on a common European background [9,57-58]. During the period of Russian statehood transformation, there was a close correlation between the degree of linguistic ideology democracy and the degree of social democracy.

M.N. Guboglo, in his work on lawmaking in the sphere of ethnic-state relations, identifies “four main forms of national law expression at the group level:

- the right of the titular nation to the full implementation of the national self-determination principle, up to the creation of national statehood;

- recognition of peoples’ right to the preservation of their identity, confirmed by state guarantees for the creation of conditions for the study and development of national languages and cultures;

- recognition of the small-numbered peoples special rights;

- protection of the national groups and national minorities rights” [10, 154].

In the same work, he recognises that “Yakutia is one of a few republics of the Russian Federation, which has shown an example of careful consideration of the interests of small-numbered peoples and the adequate development of their national rights” [10,168-169].

First, the rights of small-numbered peoples include owning and using the land and resources, enjoying the social and medical care that considers their living environment and physiology, being protected from assimilation, ethnocide and appropriation of ethnic identity (Article 42). Secondly, they include voluntary replacement of military service with alternative civilian service (Article 27). Thirdly, they confirm the procedure and conditions for the implementation of the North the small-numbered peoples' rights as determined by law. Fourthly, they include formation of trust funds in the republican budget, including social security and development funds for small-numbered peoples of the North, as well as the protection of their original habitat and traditional lifestyle (Article 38). Finally, they allow for the creation of national administrative-territorial entities on areas of small-numbered peoples' compact residence (Article 43).

Also, the Article 85 states that in the areas of the North small-numbered peoples compact residence, the local government bodies may be formed according to the traditional forms of government in the manner prescribed by law. Similarly, the constituencies may be formed with a smaller number of voters (Article 112). The procedure for the use and alienation of collective property of small-numbered peoples is established by the law of the republic in accordance with federal and international law (Article 118 as amended by the Law of the Republic of Sakha (Yakutia), July 17, 2001, No. 315 – II).

With regard to the linguistic rights of persons belonging to indigenous peoples and national minorities, the official goals of the republican authorities' language policy are defined in the Republics' Constitutions or in special laws on language. In particular, in Article 46, the Constitution of the Republic of Sakha (Yakutia) states that "the state languages of the Republic of Sakha (Yakutia) are Sakha and Russian. The languages of the small-numbered peoples are official in the places of their compact residence. Article 49 claims "protection of the people sovereign rights, ensuring the preservation and development of the native language, national cultures and identity" [11].

The language determines the fate of the nation. It is a process of the ethnic-national identity transformation of this ethnic community representatives. According to the sociolinguists, the state language policy is considered important along with the factors that have a direct impact on these transformation processes[12].

The representatives of more than 120 peoples live in the Republic of Sakha (Yakutia). Among them are the small-numbered indigenous peoples of the North such as Evenks, Evenks, Yukaghirs, Dolgans and Chukchi. Their languages belong to different language groups: Tungus-Manchurian, Paleo-Asiatic and Turkic. The complexity of the linguistic situation, manifested in the predominance of the assimilation process, is expressed in the narrowing of social functions and reducing the social prestige of indigenous minority languages.

According to the 2010 all-Russian population census, only 5.7 per cent of the Evenks, 22.3 per cent of the Evenks, 22.6 per cent of the Yukaghirs, 40.5 per cent of the Chukchi, 5.0 per cent of the Dolgans living in Yakutia consider the language of their ethnic group to be native.

At the same time, 96.1 per cent of Yakuts, 5.7 per cent of Evenks, 22.3 per cent of Evenks, 5.0 per cent of Dolgans, 22.6 per cent of Yukaghir, 40.5 per cent of Chukchis speak their native language.

The functioning of the North small-numbered people's languages in the Republic of Sakha (Yakutia) is legislatively defined in the Constitution, the laws "On languages in Republic of Sakha (Yakutia)", "On the status of the Republic of Sakha (Yakutia) of the North indigenous small people's languages" and other legal documents in accordance with international standards. However, the law acquires the value only in the case when its principles and norms are implemented in practice as concrete actions. Therefore, the principle of legal norms implementation guaranteeing the protection of national languages requires a scientific substantiation of their use mechanisms in the public sphere.

1. The linguistic policy is implemented through the social mechanisms of society social and state self-organisation. Without the activity of these mechanisms, any legal acts of language regulation will remain an empty declaration incapable of influencing the actual linguistic situation. Only support of linguistic policy by the native speakers and their public organisations themselves can ensure the efficiency and effectiveness to state measures for the preservation and development of languages, especially minorities.

2. Normative and legislative acts on languages inevitably affect the socio-political consciousness of citizens and social, economic, cultural aspects of their lives. Language policy is always a reflection of state policy. The results of its implementation can play both a consolidating, stabilising role in society. The miscalculations in language planning and policy building can lead to conflict situations and contribute to the destabilisation of inter-ethnic relations and serve disintegration processes.

At present, in the sociocultural space of the Republic of Sakha (Yakutia), we distinguish the following areas of the use of the North indigenous small-numbered peoples languages:

- traditional economic activities (hunting, reindeer herding, horse breeding, cattle breeding, fishing, traditional crafts);
- family household (communication in the family with parents, children, the older generation, relatives, tribesmen, close friends);
- state, municipal and community system of upbringing and education (from pre-school to higher professional education and non-formal education);

- cultural activities (oral traditions, aesthetic education and leisure activities);
- information activities (fiction, media, social and political activity);
- spiritual communication (traditional beliefs, customs, rituals).

Each of these spheres has a peculiar combination of speech and writing, language settings and behaviour. The greatest potential for the stability of language consciousness is retained in the sphere of traditional economic and cultural activities. It generally depends on the scale of the language use environment created by the communication environment in a given language of people interacting in the process of social, territorial, kindred, professional and creative contacts. The environment of language use can be represented in the form of concentric circles of communication. Its core is represented by the family - the primary cell of communication. In the case of the indigenous peoples, it is the environment of the tribal (nomadic) community, social environment on the basis of kinship, employment, professional and personal interests. Then there is a social-territorial environment of neighbours, relatives, settlement. An imagined community of fellow citizens, ethnic group and peoples completes the circle.

Language policy is not able to directly influence the use of languages in the family and domestic sphere and in traditional economic activities since they practically lack regulatory mechanisms. The native languages have been preserved today in the cultural activities (especially folklore, oral traditions) and in the sphere of spiritual life (traditions, customs, rituals). However, it is not able to initiate language dynamics. The impact of language policy on these areas is only demonstrated in the creation of conditions for their development.

The experience of successful implementation of linguistic rights in different countries of the world has convincingly shown that the main emphasis of language policy should be directed to the educational system and media.

The ethnic-linguistic situation in Russia is characterized by a variety of ethnic cultures and languages preservation degrees. The lower this level, the more significant is the role of the education system in the preservation and development of the local culture and language. M.V. Dyachkov believes that "it is necessary to introduce the local languages as one of the education regional standard main components for all secondary schools with Russian as the language of instruction. It should be done regardless of the students' ethnicity. It is an indispensable condition for effective language policy in general and in education, in particular" [13]. Indeed, not being proficient in a native language by one part of society infringes upon the individual rights of another side. In this case, the non-Russian population is deprived of the opportunity to exercise the right to communicate in their native language in all areas of communication within their region.

We agree with O.E. Bogdanova's assertion that the ability to change in the modern world is a condition for the development of a language. She states that it is an ability to "revive" the sociocultural potential of humanity in its semantic interpretation not only within its own linguistic picture of the world but also significantly expand these boundaries. The language policy should rely on this liberation and flexibility of human consciousness through the expansion of the world linguistic picture boundaries [14, 73].

The study of legislation on language policy reveals the following components: the history and theory of the languages interaction, the characteristics of the real language situation, forecasting the prospects for the functioning of languages and the development of legal mechanisms for regulating linguistic relations.

We have analyzed the existing laws on the languages of sixteen national republics of the Russian Federation from the point of view of the languages and the language rights legal status. As it turned out, in almost all national republics, the status of official languages is given to by the language of the titular nation and the Russian language.

The exception is the Law "On the Languages of the Karachai-Cherkes Republic Peoples". Here, the state languages are Abaza, Karachai, Nogai, Russian and Circassian, in this particular sequence.

Many of these sixteen constituent entities of the Russian Federation are multinational in their composition. Only two Laws on Languages regulate the use of other languages in the areas populated by particular peoples, and three republics regulate the possible use of these languages.

Only in the Article 6 of the Law "On Languages in the Republic of Sakha (Yakutia)" the status of official languages is legally recognised for the five languages of the North small-numbered peoples: "Evenki, Even, Yukaghir, Dolgan, Chukchi are recognised as local official languages in the places of these people compact residence and used on a par with state languages. The Republic of Sakha (Yakutia) provides state protection and cares about the preservation and free development of these languages"[16]. It again confirms the words of M. Guboglo quoted above the adequate development of the ethnic rights of small-numbered peoples in the Republic of Sakha (Yakutia).

Next, we will consider the Law "On Languages in the Republic of Sakha (Yakutia)" from the point of view of compliance with international standards. We will consider the current legislative situation regarding the language rights of indigenous peoples, for example, in the republic's education system. To answer this question, we made a comparative analysis of the following legal documents related to the educational aspect: an international Universal Declaration of Linguistic Rights (1996); the Federal Law of the Russian Federation "On the Languages of the Russian Federation Peoples", 07.24.1998; the regional Law of the Republic of Sakha (Yakutia) "On languages in the Republic

of Sakha (Yakutia)", 16.10.1992, as well as the Law of the Republic of Sakha (Yakutia) "On Education".

The analysis has shown that the legislative framework governing the language rights of indigenous peoples and national minorities set forth in federal and regional laws on languages, in general, comply with international educational requirements. All eight articles of the Universal Declaration on Linguistic Rights regarding education are taken into account in both federal and republican legislation. The exception is that there are no articles and paragraphs in the Law "On Languages in the Republic of Sakha (Yakutia)" conforming the Articles 26 and 27 of the Declaration on Linguistic Rights.

However, one should note that this Law only "establishes the legal basis for the functioning and development of languages in the republic, ensures the linguistic sovereignty of peoples and individuals" [15].

III. CONCLUSION

The regulatory framework in relation to teaching and use of indigenous languages is built by state educational standards, curricula, guidelines or other documents developed in the educational system and governing the educational process in the Republic of Sakha (Yakutia).

Therefore, from the point of view of the language policy legal basis in a multi-ethnic community, the functioning of the indigenous small-numbered people's languages in our republic is legislatively fixed in accordance with international norms. They develop according to their legal status of official languages, as languages of "public administration, legislation, legal proceedings" [16,12-13].

However, in order for the norms guaranteeing the protection of national languages to have real power, they must be supported by real mechanisms and forms of implementation, otherwise, they will remain just empty declarations. Often, the state or official language remains so only in laws whose provisions are not used, obtaining services in national languages is often difficult. This situation is due to the fact that the lack of a meaningful definition of the language official status and mechanisms for implementing the provisions of the law in practice. For the development and maintenance of the state language policy, it is necessary to legally fix the requirements when using the official or state language. The modern national policy of Russia has been formed and substantiated by the centuries-old history of different nations coexistence, the preservation and support of which is recognized as one of the state primary tasks.

In the State National Policy Strategy of the Russian Federation until 2025 ensuring equality of the rights and freedoms of a person and a citizen, regardless of race, nationality, language, attitude to religion and other circumstances; the preservation and development of the ethnocultural diversity of the peoples of Russia are identified as one of the main goals of the national policy. At the same time, the domestic policy of the Russian state in the field of cultural and national development is also the responsibility of the federation subjects, they are entitled to take into account their regional and ethnic components in its practical implementation.

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