

Sophie SIMON
Expert in Minority Law
(Council of Europe, European Charter for Regional or Minority Languages)
And PhD Candidate in International Law
(Université Paris 1, Panthéon-Sorbonne)
soph.simon@gmail.com

The role of languages and culture in the protection and promotion of the rights and identity of indigenous peoples

Answer to the UN Expert Mechanism on the Rights of Indigenous Peoples call for submissions

Indigenous peoples have, globally and during Centuries, been negatively judged by the dominant groups of societies. Many reasons can be given, but the main one is without doubt because of their way of life and their willingness to stay close to nature and out of the consumerism that predominates in the Western countries and lately even in the entire World¹.

Because rights are elaborated by the dominant groups of society, the fact that a group is badly considered directly affects the rights of its components. At the same time, the identity is a feeling everyone/every group has about him-/her-/itself and that is a consequence of the image one perceives of him-/her-/itself through the eyes of someone else. Here again, the consequence of a global depreciation by society cannot bring anything but a negative image of indigenous peoples and therefore a reject of their ethnic and cultural roots by indigenous individual themselves.

Because of the difficulties to have the rights of Indigenous Peoples recognized and respected and because of the necessity to underline once more that all human-beings are equal in value, it is hardly time to stop the spiral of discrimination from which indigenous peoples are suffering.

How, on teaching languages and cultures of indigenous peoples, can we achieve this double aim: having their rights recognized and having them valuing again what is part of themselves, *i.e.* their ethnical and cultural roots, their identity?

We will give an answer to this question by presenting first that the teaching of languages and cultures not only helps communication between the different groups of society, but is also a very performing tool to fight discrimination (Chapter 1). Secondly, we will

¹ « Ainsi que l'a montré M.-J. Jolivet (1990) [l'identité collective « guyanaise »] a longtemps été portée par les seuls créoles –démographiquement largement majoritaires et politiquement dominants- et nourrie du modèle et des valeurs de l' « assimilation » à la société et à la culture françaises métropolitaines ; cette manière de penser l'identité guyanaise instaurait une hiérarchie distinguant les créoles des autres groupes présents de langue date dans l'espace guyanais –Amérindiens et Bushinenges, considérés comme « primitifs » parce que restés en marge du processus d'assimilation. »

Jolivet, J.-M., « Entre autochtones et immigrants : diversité et logique de positions créoles guyanaises », *Etudes créoles*, XIII/2, pp. 11-32.

Cité par : Gérard COLLOMB, « De la revendication à l'entrée en politique (1984-2004) », *Guyane : le renouveau amérindien*, Ethnies, droits de l'homme et peuples autochtones, vol. 18 n°31-32, printemps 2005, pp. 16-28, p. 23.

underline the existing links between the acceptance of one's culture by the dominant society and the effect this has on both the rights of the formerly discriminated ones and the way those persons then better accept and even reinvalidate their identity (Chapter 2).

Chapter 1: The teaching of languages and cultures as a non-discrimination policy

Since the end of World War II, the need to protect from racial discrimination has been recognized both at regional and international levels. Since then, numerous international treaties have been adopted in this domain (and the related ones) and several mention specifically the promotion of intercultural dialogue as a way to fight intolerance and segregation (Paragraph 1). Practical examples of the application of these treaties clearly show the positive consequences of the teaching of language and culture (Paragraph 2) and underline that this teaching should be applied to indigenous peoples languages and cultures as well (Paragraph 3).

Paragraph 1: The integration of the cultural dialogue in educational programmes: an international law requirement

At the international level, Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination already mentioned in 1965 the need to take particular measures in the field of education in order to “combat[...] prejudices which lead to racial discrimination and to promot[e] understanding, tolerance and friendship among nations and racial or ethnical groups”. This idea was mentioned again in the United Nation Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 4(4) of this treaty stipulates that “States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole”. Following the same idea, the United Nations Declaration on the Rights of Indigenous Peoples mentions at its Article 15 that the cultures, traditions, history and aspirations of indigenous peoples “shall be appropriately reflected in education and public information” and that States shall take effective measures “to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society”. Finally, and as far as children are concerned, Article 29(1)(d) of the Convention on the Rights of the Child mentions that education shall be directed to “the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin”.

In Europe, two main instruments protect minorities or their linguistic specificities. The first one (which we are going to present in details as it is the only international treaty dedicated exclusively to languages), is the European Charter for Regional of Minority

Languages. This instrument is dedicated to the protection and promotion of regional and minority languages and clearly promotes closer relation between persons belonging to different groups. Article 7.3 of the European Charter stipulates that one of the objectives and principles, that constitute the necessary framework for the preservation of regional or minority languages, is the promotion of mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective. In fact, and according to paragraph 74 of the Explanatory Report of the European Charter, “respect for regional or minority languages and the development of a spirit of tolerance towards them are part of a general concern to develop understanding for a situation of language plurality within a state”. The Committee of Expert of the European Charter (organ that is in charge with the monitoring of the implementation of the European Charter) underlines that “the experience proves that the extent to which a minority language is protected or promoted is linked to how it is received or perceived by majority language speakers [...]. As a result, awareness-raising with the majorities is of utmost importance”².

The Framework Convention for the Protection of National Minorities is the second European instrument. It identifies education as an area of specific importance with regard to the necessity of spirit of tolerance and intercultural dialogue. Article 6.1 therefore stipulates that “the Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media”. This article has to be linked with Article 12 that adds that “the Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority” and *inter alia* “facilitate contacts among students and teachers of different communities”. The aim is, by promoting knowledge of the specificities of the different groups, to underline their wealth, to improve understanding about national minorities and to contribute to a climate of interethnic tolerance and dialogue. The Advisory Committee of the Framework Convention (organ that is in charge with the monitoring of the implementation of the Framework Convention) considers that education in regards to persons belonging to a minority group cannot be reduced to the right for this person to have access to education. It “underlines the importance of information about national minorities being available to persons belonging to the majority”³.

Paragraph 2: Practical examples and good practices that can be followed

According to J-M Woehrling (author of the Analytical Commentary of the European Charter for Regional or Minority Languages), including knowledge of and respect for minority languages among the objectives of a country's education and training systems

² Report of the Committee of Expert on the Charter, Application of the Charter in Croatia, 2nd monitoring cycle, ECMRL (2009)5, § 39.

³ Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Cyprus, ACFC/INF/OP/I(2002)4, § 30.

“requires that a curriculum includes instruction about the existence of regional and minority languages, their nature, origins and cultural context, why they are important, what they have to contribute, and why an open and positive attitude is needed to efforts to promote them”⁴. Good practices in this respect can be found in the Armenian measures to implement the European Charter. In fact, the Armenian National Academy of Science, in collaboration with an NGO, published a two volumes work entitled “National Minorities of Armenia” dedicated to the history and culture of the eleven national minorities of the Republic. In addition, school textbooks on the history for secondary level include material on the role and contribution of national minorities to Armenian society⁵. Moreover can be mentioned that the Czech Republic identified some of the school disciplines needing specific attention, and in its first State Report in the implementation of the Framework Convention, it indicates the need to educate the majority population about culture, history, language and religions of national minorities⁶. The minority aspects on those disciplines should find their place in revised texts books and school curriculum and an important aspect is that those measures should not be limited to the geographical areas where national minorities live, but be extended to the whole territory of the country⁷.

However, not only the content of the education should be, as far as possible, multicultural, but the form of the study as well. The Advisory Committee of the Framework Convention mentions the necessity to establish a dialogue between the different groups living on the national territory. As only through intercultural dialogue can the minorities really integrate the wider society and can social cohesion exist⁸. But “such a dialogue is hardly possible if persons belonging to different groups never meet even when they live in the same city, village or region. Nor can tolerance be promoted if majorities and minorities know nothing about the everyday experiences and about the elements of identities of each other”⁹. A good example of such a dialogue is taking place in a Cyprus school, where half of the pupils that attend the school are Turkish Cypriot and Turkish-speaking Roma pupils. In this school, two of the seven daily classes dedicated to language, culture and history are taught to the Turkish-Cypriot in Turkish; moreover children from both the majority and the minorities create together a bilingual newspaper and songs. The Committee of Expert of the European Charter was impressed by the achievements of this school in promoting mutual understanding between Greek-speakers and Turkish-speakers¹⁰. Following the same idea, the separated, or even segregated, methods of education should, according to the Advisory Committee of the

⁴ Woehrling, J.M. 2006, *The European Charter for Regional or Minority Languages - A critical commentary*. Council of Europe Publishing. Strasbourg, p. 127.

⁵ Report of the Committee of Expert on the Charter, Application of the Charter in Armenia, 2nd monitoring cycle, ECMRL (2009)6, § 67.

⁶ State Report on the implementation of the Framework Convention for the Protection of National Minorities of the Czech Republic, ACFC/SR(99)6, under Article 12.

⁷ Advisory Committee, Opinion on Austria, ACFC/INF/OP/I(2002)009, § 56.

⁸ Advisory Committee, Commentary on Education under the Framework Convention for the Protection of National Minorities, ACFC/25DOC(2006)002, p. 11. cycle, ECMRL (2009)5, § 103.

⁹ Advisory Committee, Commentary on Education, ACFC/25DOC(2006)002, p. 16.

¹⁰ Report of the Committee of Expert on the Charter, Application of the Charter in Cyprus, 2nd monitoring cycle, ECMRL (2009)5, § 103.

Framework convention, be abandoned¹¹. The Advisory Committee considers, for example, that the specific classes for Roma that have been established by some Swedish municipalities “risk placing the children concerned at a disadvantage and harming the implementation of Article 12 and the principle of intercultural dialogue contained in Article 6 of the Framework Convention”, “even when such initiatives are designed as a way to provide additional support for the pupils concerned”¹². Multicultural contacts does not, in all the cases, requires all pupils to be taught in the same school, but some discussions should take place together with the parents of the pupils, the teachers and the authorities to find the solutions that are best adapted to each situation.

Paragraph 3: The application of those examples to indigenous peoples

Although the upper developments and practical examples correspond to minorities in general and not to indigenous groups specifically, there is no reason why the good practices mentioned cannot be applied to indigenous peoples. Some concrete examples even show the absolute necessity to work on the recognition of the indigenous linguistic and culture wealth.

In the French Guyana, the peoples living in the coast (the ones that are in everyday contact with non-indigenous) tend to consider that keeping exercising their cultural and subsistence activities means being poor¹³. And as far as children are concerned, pupils are more and more ashamed of being indigenous and at the same time do not study well at school, whereas they could keep their culture alive while learning the majority one as both are complementary¹⁴.

The use of languages at school is considered by the traditional chiefs of some French Guyana peoples to be one of the main issues for the blooming of local cultures¹⁵. The teaching indigenous languages experiences that took place might not have had the positive

¹¹ Advisory Committee, Commentary on Education, ACFC/25DOC(2006)002, p. 17.

¹² Advisory Committee, Opinion on Sweden, ACFC/INF/OP/I(2003)006, § 53.

¹³ « Enfin, il existe une situation vécue plus péniblement sur la côte que dans l'intérieur : très souvent aujourd'hui, faire l'abattis, aller pêcher, fabriquer les objets artisanaux pour son propre usage, signifie, tant chez les Kali'na que chez les Paliku, être pauvre. Tout ce qui relève de l'économie traditionnelle de subsistance –le savoir sur la forêt, la connaissance des plantes médicinales, les techniques de pêche, de chasse, de cueillette, même parfois le chamanisme- tout cela reste respecté par tous au niveau du discours, mais est devenu, paradoxalement, l'apanage du pauvre. Et c'est justement pour casser cette dynamique négative que les gestionnaires kali'na veulent au niveau de leur commune organiser, à travers un programme de transfert auprès des jeunes, la revalorisation des activités traditionnelles et la connaissance sur le milieu ».

Françoise et Pierre GRENAND, « Trente ans de luttes amérindiennes », *Guyane : le renouveau amérindien, Ethnies, droits de l'homme et peuples autochtones*, vol. 18 n°31-32, printemps 2005, pp. 132-163, pp. 158-159.

¹⁴ « C'est un complément de notre culture ce qu'on apprend à l'école. Les jeunes amérindiens ils ont honte d'être amérindiens, ils ne font pas bien à l'école et ils délaissent un peu leur culture. Il faut garder les deux. »

Mauricienne FORTINO (présidente de l'association Kamawyeneh Palikour), « Les lois sont faites pour tout le monde mais elles ne vont pas dans le sens de tout le monde », *Guyane : le renouveau amérindien, Ethnies, droits de l'homme et peuples autochtones*, vol. 18 n°31-32, printemps 2005, pp. 44-46, p. 46.

¹⁵ « L'usage des langues régionales à l'école, la création d'outils didactiques pour l'enseignement des langues, réclamé par les chefs coutumiers et les élus amérindiens, demeurent des enjeux essentiels pour l'épanouissement des cultures locales. »

Françoise et Pierre GRENAND, « Trente ans de luttes amérindiennes », *Guyane : le renouveau amérindien, Ethnies, droits de l'homme et peuples autochtones*, vol. 18 n°31-32, printemps 2005, pp. 132-163, p. 161.

consequences that were expected in term of school results, but it, at least, contributed to the blooming of pupils, permitting them to accept their identity¹⁶.

« *L'âme amérindienne a été bien fragilisée et elle continue encore aujourd'hui de souffrir de sa rencontre avec l'occident. Il y a encore beaucoup de réponses, de désespoir et peu d'aide face à cela... Il faut toutefois continuer à espérer et à se battre afin que la fierté revienne chez chaque enfant amérindien... fierté de son nom, de sa culture et fierté de soi...* »¹⁷.

In New Caledonia, the situation is similar to some extent as an inferiority complex is also be present in the Kanak community, which might be the origin of some paradoxical behaviors of reject and submission¹⁸. According to Nidoïsh Naisseline, Chief of a Kanak indigenous tribe, the Kanak people, and overall the youth, lives in the doubt. The people is in a vicious circle: suicide, failure in school, abandon the subsistence crop, failure of the development projects taking place inside to tribe territories, multiplication of violence within and out of families, etc. All those points are, according to Nidoïsh, the expression of their feeling of internal insecurity¹⁹.

The Innu of Canada are suffering from the same wrongs. Napes Ashini, a representative of the Innu people, states that they cannot stand anymore their life style as many difficulties rose together with their forced settlement: alcoholism, drugs, suicide, obesity, diabetes, etc... Napes even say that "if you do not even have one thing to do in life, if

¹⁶ « Quelles que soient les répercussions sur le plan strictement scolaire, ces initiatives pédagogiques [(i.e. l'utilisation de la langue autochtone dans l'enseignement, en plus de la langue officielle)] ont au moins le mérite, nous semble-t-il, de contribuer à l'épanouissement de l'élève en lui permettant d'assumer pleinement son identité. [...] Quelles que soient les méthodes d'enseignement [...] pratiquées dans les écoles situées en territoires amérindien, il faut bien se rendre à l'évidence que les résultats en terme de performances scolaires sont plutôt maigres jusqu'à ce jour ».

Laurent PUREN (doctorant en dialectologie des langues et cultures à Paris III), « Enseignement et bilinguisme dans les écoles du Haut Maroni », *Guyane : le renouveau amérindien, Ethnies, droits de l'homme et peuples autochtones*, vol. 18 n°31-32, printemps 2005, pp. 88-100, p. 98.

¹⁷ Mayapoli Tiouka, psychologue, citée par : Alexis Tiouka, *Peuples autochtones et discrimination*, Le Marron, Petit journal de Kourou, Chroniques atypiques de la Guyane française, juin 2007.

http://www.blada.com/chroniques/2007//2289-Peuples_autochtones_et_discriminations.htm (consulté le 5 décembre 2011).

¹⁸ « En tous les cas la communauté kanak est encore porteuse d'un passé vécu d'une manière conflictuelle. Par la force des choses des schémas aliénants installés se sont enracinés, des mentalités encroûtées de complexes d'infériorité ont perduré, d'où des comportements paradoxaux de rejet-soumission chez la plupart des kanak. » Adèle JOREDIE, *Atelier : Atelier Identité, Education, Langue, Culture*, 1er Congrès des Peuples Autochtones Francophones, Agadir – 2-6 novembre 2006, p. 2.

<http://www.unesco.org/culture/fr/indigenous/Dvd/pj/KANAK/JOREDIE.pdf> (consulté le 13 décembre 2011).

¹⁹ « Le peuple kanak vit un peu dans le doute et surtout notre jeunesse, ce qui n'a pas échappé à l'observateur de bonne foi qu'est Alban Bensa qui, dès 1995, a noté l'apparition de suicides chez nos jeunes et en même temps la persistance, sinon l'augmentation, de l'échec scolaire dans les provinces kanak, l'abandon des cultures vivrières, l'échec des projets de développement en milieu tribal, la multiplication des violences intra et extra familiales..., expressions de notre sentiment d'insécurité intérieure ».

Nidoïsh NAISSELIN, « Habiter le monde », propos recueillis le 11 décembre 2002 à Paris par J.-P. Razon, *Habiter le monde, Chroniques du XXIe siècle, Ethnies, droits de l'homme et peuples autochtones*, n° 35-36, hiver 2010, pp. 18-23, p. 22.

you do not know who you are, what you represent, if you do not have any work, you disappear”. And this is what is happening with the young generation of Innu²⁰.

Many such examples can be cited.

The direct consequence of ethnic discrimination is the reject of one’s identity and roots. Therefore, by building up tolerance and respect (through *inter alia* the culture and language teaching), there can only be positive consequences to indigenous peoples’ identity. Moreover, as there are clear links between the acceptance of one’s identity and the rights of this person/group, by teaching languages and cultures, the rights of indigenous peoples are also positively affected.

Chapter 2: The links between the rights of indigenous peoples and the acceptance of their identity

The links between the rights of a group and the ones of persons that compose it, and the identity of those groups and persons, are going both ways: the auto-identification is the corner stone of the application of indigenous rights (Paragraph 1); and, at the same time, one person or one group is more likely to accept his/her/its identity if he/she/it can benefit from it (Paragraph 2). Thanks to the teaching of languages and cultures, one enters in a virtuous circle of two interdependent elements that reinforces one another: identity and rights.

Paragraph 1: The need to self-determinate oneself as indigenous to benefit from the internationally recognized rights

Indigenous peoples benefit from divers treaties protecting human rights as well as from non-discrimination treaties. Those texts apply to every human being for the simple fact that he/she is a human person (children included). There is therefore no particular requirement of the person to auto-identify him-/herself as being indigenous to benefit from these rights.

However, there also exist some international norms that are specifically dedicated to minority groups. The persons belonging to indigenous peoples can also benefit from the rights that these texts recognize and that corresponds to human rights applied to the necessities of

²⁰ « Nous ne pouvons plus de la vie que nous menons actuellement. Nous avons beaucoup de problèmes avec nos jeunes dans les réserves : alcoolisme, drogue, suicide, santé (obésité, maladies cardiaques, diabète...) inconnus chez les Innu avant leur sédentarisation. De nombreux Innu meurent prématurément à cause de tous ces problèmes.

Les jeunes sont oisifs, ils n’ont rien à faire, ne savent plus qui ils sont, ne parlent presque plus notre langue, ne connaissent plus les sites traditionnels. Mais ils s’en passent, ils sont bien trop éloignés de notre mode de vie parce qu’ils n’ont aucune responsabilité. Si vous n’avez pas au moins une chose à faire dans la vie, si vous ne savez pas qui vous êtes, ce que vous représentez, si vous n’avez pas d’emploi, vous disparaîsez ».

Napes ASHINI, « Retour à Nitassinan », propos recueillis en mai 2004 à Paris par J.-P. Razon, *Habiter le monde, Chroniques du XXIe siècle, Ethnies, droits de l’homme et peuples autochtones*, n° 35-36, hiver 2010, pp. 72-76, p. 76.

small groups. In order to benefit from these minority rights, the persons have to belong to a minority. In that sense, the United Nation Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities stipulates at its article 3.1 that “[p]ersons belonging to minorities may exercise their rights, including those set forth in the present Declaration, individually as well as in community with other members of their group, without any discrimination”. Therefore, only persons who have auto-identified as belonging to a minority can benefit from those particular minority rights. The second paragraph of the same article 3 adds that “[n]o disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in the present Declaration”. This means that nobody should be discriminated as a result of his/her auto-identification as belonging to a minority or of his/her non-auto-identification. However it should be underlined that by non-auto-identifying oneself, there might be a *de facto* difference of treatment as the person considered will not benefit from rights another person of the same minority who have auto-identified will benefit from.

Following the same ideas, the Council of Europe Framework Convention for the Protection of National Minorities stipulates that “Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice” (art 3.1). It also adds that “Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others” (art 3.2).

Now, the only texts that recognize the very specificities of indigenous peoples, and over all the possibility for their peoples to be subject of collective rights -or at least collective enjoyment of their lands-, are the international treaties dedicated specifically to them. According to the No. 169 ILO Convention, “Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply” (art 1.2). The objective of this sub-article is to protect persons and peoples and leave them free to decide whether they would like the Convention to apply to them or not. It is in fact not up to the States to state who and which group, on its territory, is indigenous or not. However a consequence of it is that out of a positive auto-identification, the rights recognized by this treaty do not apply to persons belonging to indigenous peoples.

The UN Declaration on the Rights of Indigenous Peoples also only applies to indigenous peoples and persons belonging to indigenous peoples. Both the peoples and the persons that compose them should therefore auto-identify as such to be entitled the rights recognized by this Declaration. The Declaration moreover mentions at its article 9 a very interesting aspect concerning the indigenous identity: “Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned”. As a consequence, although there are some attempts to internationally define the term “indigenous peoples” and consequently the indigenous individuals, the peoples and the persons are the only ones to be entitled the right to decide whether or not they are indigenous. The Declaration adds that “No discrimination of any kind may arise from the exercise of such a right” (art. 9).

The Draft Declaration on the Rights of Indigenous Peoples of the Organization of American States seems to follow the UN Declaration on this point and article 8 as proposed by the Indigenous Peoples Caucus on November 30, 2009, states that “Indigenous persons and communities have the right to belong to one or more indigenous peoples, in accordance with the identity, traditions, customs, and systems of belonging of each people”.

The underlined necessity to leave indigenous peoples and individuals free to determine themselves their belonging to an indigenous group and their identity as indigenous is central. On this aspect, Alexis Tiouka, a French Guyana indigenous people representative, states that racial discrimination has taken and still takes divers forms and that indigenous peoples are directly affected by it (dispossessions of lands and natural resources, language disappearance, negation of cultures, illegality of spiritual practices, marginalization and exclusion). But according to him, the first source of discrimination is the unjust denial of the legal status of indigenous that is the starting point of the respect of indigenous fundamental rights²¹. It is therefore of utmost importance that indigenous peoples and individual auto-identify themselves as indigenous. They would then benefit from the above-mentioned protection of international law which will force the State they are part of to recognize their identity and rights.

Paragraph 2: The facilitation of the auto-identification, once the indigenusness enjoys some positive recognition

There is no doubt that in countries where there are some repressive laws against indigenous peoples, people tend not to auto-identity as such. A consequence of it is the increase of the number of auto-identified indigenous when such laws are being abolished. Interesting examples are to be found in Chile and in Argentina where the last national censuses underlined a huge raise of the number of indigenous individuals in comparison with the last censuses. According to José Zanardini, Paraguayan specialist of indigenous peoples issues, this augmentation is not only due to births but also to the auto-identification of indigenous individuals, how were first ashamed to auto-identify²².

²¹ « La question de la discrimination raciale prend diverses formes dans le contexte mondial présent. Les peuples autochtones sont directement touchés par ce phénomène tant dans l’histoire que dans le monde actuel. Les droits de l’homme fondamentaux des peuples autochtones ont été violés par le colonialisme et les doctrines de supériorité raciale et culturelle qui le sous-tendent : dépossession généralisée des terres et ressources naturelles, disparition des langues, négation des cultures, mise hors la loi des pratiques spirituelles, marginalisation et exclusion.

Mais la première source de la discrimination est le déni injuste du statut juridique des peuples autochtones qui est le point de départ du respect de leurs droits fondamentaux. Pourtant, les peuples autochtones ont une personnalité juridique internationale. »

Alexis Tiouka, *Peuples autochtones et discrimination*, Le Marron, Petit journal de Kourou, Chroniques atypiques de la Guyane française, juin 2007.

[http://www.blada.com/chroniques/2007//2289-Peuples autochtones et discriminations.htm](http://www.blada.com/chroniques/2007//2289-Peuples_autochtones_et_discriminations.htm) (consulté le 5 décembre 2011).

²² « Resulta que en el último censo de Chile y de Argentina aumentaron enormemente los pueblos indígenas con respecto al anterior, pero el aumento se debió, no solo a los nacimientos, sino a los reconocimientos de seres indígenas. Estos grupos grandes, antes, se avergonzaban de decir “somos indígenas” porque había leyes represivas, porque no había Constitución, porque no había organizaciones. Pasando el tiempo y pasando los

The example of Paraguay lets us to go one step further in the comment to link the auto-identification not with the disappearing of the repressive laws, but with the elaboration of a positive environment toward the indigenes. In fact, from 1981 to 2002, the indigenous population passes from 38.703 to 85.674 persons (increase that cannot be explained with births)²³. We consider that this growth is linked with the international recognition of the Aché genocide that took place in 1978 when the Interamerican Commission of Human Rights asked the *Instituto Paraguayo del Indígena* to send a representation to a hearing²⁴.

The fact that many Paraguayan indigenous are still not agreeing with the numbers of indigenous individuals (they consider that they are between 100.000 and 120.000²⁵ underlines the link between the way those persons and peoples are accepted by society and their auto-identification. The everyday life of the Paraguayan indigenous individuals is still very difficult, as their rights, although theoretically recognized, are not respected (see the multiple cases in which the Inter American Court of Human Rights recognized the violation of their rights, the recent judgment on the execution of those decisions –which underlined mainly difficulties in the executions-, as well as the pending case). In this context some Paraguayan specialist on indigenous issues underlined that there is a lack of knowledge of the rights of indigenous peoples in both the States organs and the Paraguayan population as a whole²⁶. And some indigenous representative asked for the Ministry of Education and Culture to take the necessary measures to include in the curriculum references to the indigenous rights²⁷.

años, empiezan a perder vergüenza de ser indígenas. Llega el censo y se declaran indígenas; a lo mejor ya no saben el aymará, el mapuche, el guaraní, ni su lengua propia, pero se declaran indígenas ».

José ZANARDINI, *Los Pueblos Indígenas en el Paraguay*. In: Defensoría del Pueblo de la República del Paraguay, *Seminario taller internacional derechos humanos de los Pueblos Indígenas*, Defensoría del Pueblo de la República del Paraguay, Asunción, Junio 2007, pp. 30-31.

²³ « Al año 2002 la población de Paraguay llegaba a los 5.206.101 habitantes, de los cuales 85.674 eran indígenas, representando el 1,6% de la población total. Los datos oficiales registran un aumento sostenido de la población indígena desde 1981, año en que estaba alcanzaba solo a 38.703 personas (La tasa de crecimiento anual para el decenio 1992-2002 de 5,64%, es mayor que la registrada en el periodo 1981-1992 que fue de un 2,26%). »

José AYLWIN OYARZÚN, *Ombudsman y derechos indígenas en América Latina, Estudio comparativo sobre el marco normativo e institucional*, Instituto Interamericano de Derechos Humanos, 2006, San José, 846p., p. 614.

²⁴ Rodrigo VILLAGRA, *Elementos Regionales de Protección de los Derechos Humanos de los Indígenas y Análisis de las Jurisprudencias Relacionadas con los Derechos Humanos de los indígenas*. In : Defensoría del Pueblo de la República del Paraguay, *Seminario taller internacional derechos humanos de los Pueblos Indígenas*, Defensoría del Pueblo de la República del Paraguay , Asunción, Junio 2007, p. 72.

²⁵ “Es un pensamiento general de muchas comunidades indígenas, que no están de acuerdo con los resultados del censo. No estamos de acuerdo, nosotros somos indígenas y creemos que hay 100 a 120 mil indígenas en las comunidades.”

Intervención de un participante. In: Defensoría del Pueblo de la República del Paraguay, *Seminario taller internacional derechos humanos de los Pueblos Indígenas*, Defensoría del Pueblo de la República del Paraguay , Asunción, Junio 2007, p. 65.

²⁶ « En nuestra población y nuestros órganos estatales ocurre algo muy grave: Se desconoce en su mayoría las leyes en materia de poblaciones indígenas ».

Ester PRIETO, Alcance y contenido de los derechos humanos de los indígenas. In: Defensoría del Pueblo de la República del Paraguay, *Seminario taller internacional derechos humanos de los Pueblos Indígenas*, Defensoría del Pueblo de la República del Paraguay, Asunción, Junio 2007, p. 24.

²⁷ « Creo que el Ministerio de Educación y Cultura debe incluir en su sistema curricular, algunas cosas respecto a las leyes referentes a indígenas. Llegamos al colmo que, hasta los señores Diputados y Senadores desconocen estos textos ».

Conclusion

As presented, languages and cultures, through teaching, have a communication building role. We mean here communication in the wide sense, meaning that the different groups of society learn to understand each other and to accept to have different point of views. This type of communication is the base of society building that should exist in any open and tolerant State.

Sharing a citizenship has a particular meaning to those persons who received minority languages and cultures teaching. Those people do not only consider their identity, but the identity of their State as a whole. This State identity is no longer the simple image of the majority, but it includes smaller groups and, *inter alia*, the indigenous peoples.

Working for the recognition of languages and cultures and their teaching, therefore not only has positive impact on the identity of indigenous peoples themselves but on the identity of the State as a whole. As a consequence, the national laws and rules democratically established will no longer be protecting only the majorities, but also the other groups that form the national society. That way, Indigenous Peoples will benefit not only from an International support to their rights, but from bottom-up strategies coming from themselves as persons confident in what they are, but also coming from their co-citizens knowing indigenous peoples are part of themselves as “brothers” of a same State.