

1 Leveraging language policy to effect change in the Arctic

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1.1 Introduction

Language shift forms an integral part of cultural disruption in the circumpolar Arctic. Of the fifty or so indigenous languages spoken in the region, all but Kalaallisut (West Greenlandic; ISO 639-3 kal) are endangered. This chapter discusses how Arctic indigenous peoples are using international legal instruments and international governing bodies to effect policy change among Arctic nation states. The endeavour is at once both ‘bottom-up’ and ‘top-down’, for Arctic indigenous peoples have joined efforts at the level of the Arctic Council to present a set of requests to their respective governments. Despite increasing urbanisation, many of these peoples continue to live in quite small communities located in relative isolation from major population centres. The Arctic indigenous people, who collectively constitute approximately one-quarter of the entire Arctic population, find strength in unity. They see the hope for real change coming from combining their efforts with those of professional linguists and policy makers to use international legal instruments and policies in order to put pressure on national and local governments.

Arctic indigenous peoples are represented in the Arctic Council by a group called the Permanent Participants (see Section 1.2). For them, the path to indigenous language vitality is multifaceted – comprising efforts on the part of individuals and communities to teach these languages and on the part of higher-level leadership to effect changes in policies that promote multilingual spaces, thus fostering language use and vitality and encouraging favourable attitudes towards the indigenous languages. Language policy is just one piece of this endeavour, but it is seen as a critical one. To explain why this is seen as necessary, as well as how the Arctic indigenous peoples hope to leverage such language policies, the chapter begins by describing the geo-political situation in the Arctic (Section 1.2). The centrepiece of this chapter, namely the Arctic Indigenous Language Vitality Initiative, is described in Section 1.3, and the existing language policies are surveyed in Section 1.4. The chapter concludes by analysing the relationship between language policies and empowerment

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and by discussing the role of ‘external’ professional linguists in these endeavours (Section 1.5).

1.2 The circumpolar Arctic as a geo-political entity

The circumpolar Arctic is a geographic territory made up of eight nation states. In a narrow definition, the Arctic comprises the territory that lies to the north of the Arctic Circle (66°33′44″ N). More broadly, it is understood to be the region north of the treeline in the Northern Hemisphere. The total area of the Arctic is 14,056 million square kilometres. Its population numbers approximately 4 million, 500,000 of which are indigenous peoples. The region is home to some fifty or so different indigenous groups and it encompasses eight nation states (Canada, Denmark – including Greenland and the Faroe Islands – Finland, Iceland, Norway, Russian Federation, Sweden, and the USA), which are organised into the Arctic Council. This intergovernmental political council consists of these eight member states and a group called the Permanent Participants, namely the following six indigenous organisations that represent Arctic peoples: the Aleut International Association, the Arctic Athabaskan Council, Gwich’in Council International, the Inuit Circumpolar Council (hereafter, ICC), the Saami Council and the Russian Association of Indigenous Peoples of the North (hereafter, RAIPON).¹ Although meetings of Arctic nations began in 1989, in large part to discuss rapidly changing climate conditions, the Arctic Council was formally established in 1996, with the goal of promoting collaboration and co-operation on issues of mutual concern. It is a high-level intergovernmental forum: the Permanent Participants have full consultation rights in the Arctic Council’s negotiations. Thus, Arctic indigenous peoples are perhaps uniquely organised within the world today in a way that potentially empowers them to take action.

With the exception of RAIPON, these six indigenous organisations are transnational. The Saami Council spans four countries (representing Saami living in Norway, Sweden, Russia and Finland), and the ICC also has four branches (in Alaska, Canada, Greenland and Russia [Chukotka]). Aleut International unites Aleuts living in Alaska and Russia, while Gwich’in International represents the Gwich’in Nation in Alaska and Canada (the Northwest Territories and the Yukon). The Arctic Athabaskan Council represents seventy-six communities in Alaska and Canada (approximately 45,000 people), and RAIPON represents forty-one different groups numbering approximately 270,000 people, who live in 60 per cent of the whole territory of the Russian Federation. RAIPON is therefore somewhat distinct from the other groups in that, first, it operates within just one country and, second, the ethnolinguistic diversity of its members is far greater than that of any of the other organisations, all of which represent speakers of a single language family, or even just one language.

Before discussing how the Permanent Participants hope to leverage Arctic language policy (Section 1.4), it is useful to survey the state of existing policies and the mechanisms that are available to the Arctic indigenous peoples.

1.3 The Arctic Indigenous Language Vitality Initiative

The Arctic Indigenous Language Vitality Initiative (hereafter, AILVI) is working to reverse language shift through active engagement and collaboration throughout the circumpolar region. The stakeholders see policy change as integral to any significant and sustained change in Arctic language ecologies. At the same time, external researchers – professional linguists and scientists alike – are trying to engage political leaders and policy makers to effect change. For example, the most recent Arctic Biodiversity Assessment, presented to the Arctic Council in May 2013 (see Barry et al. 2013), argues for supporting and maintaining diversity.

The AILVI is defined and determined by the Permanent Participants. It was established in 2008 when these organisations met to create an action plan. The Initiative was conceived as a collaborative effort between researchers, representatives from Arctic indigenous organisations and Arctic governments, language activists, and policy makers, with the long-term goal of achieving vitality and sustainability for Arctic indigenous languages. Its first measures centre around assessment in three key areas, namely (1) Arctic language policy, (2) language pedagogy and education and (3) language vitality. Fundamental to this Initiative is the plan to leverage the findings to achieve policy change across the Arctic (see Grenoble 2013b; Grenoble and Olsen 2014; Tulloch 2012).

1.4 Language policy in the circumpolar Arctic

Although language policies are found on multiple levels in the Arctic (they may be global, international but not global, national, regional and local), the Arctic's geo-political situation often leads to some complexities in their interpretation and implementation. Global policies are aimed at all nations throughout the world. Of particular relevance to the present discussion are those that target indigenous rights. However, some international policies apply to only parts of the Arctic and, because one subset of the Arctic nation states is Nordic, a somewhat different subset European, and some Arctic countries neither Nordic nor European, it is often the case that language policies do not apply evenly throughout the region. Indeed, although all Nordic countries are also Arctic, not all European countries are Arctic, and not all Arctic countries are European. Therefore, while, in theory, Arctic policies can be implemented, in practice, they may be in conflict (or accordance) with other international

policies, such as European regulations. Moreover, language policies are found at the national level and may conflict with those operating at the international level. To add even more complexity to the picture, in certain parts of the Arctic, territorial divisions mean that regional policies can also apply: for example, differing territorial policies are in force in parts of Canada (such as in Nunavut and in the Northwest Territories). Finally, in some cases, more local-level policies can and do apply.

It is important to distinguish between language policies and language laws. The dissonance between a recommendation of the United Nations to recognise the language rights of indigenous peoples and an official English language law in the State of California is vast, but, in the USA, it is the law at the level of the state that has legislative power, that is funded and that is enforceable. All this, of course, begs the question of what, if any, impact even the most supportive global instruments can have if national or regional language laws oppose the use of indigenous languages.

1.4.1 *Global instruments*

Three globally endorsed key policies cover the rights of indigenous peoples, namely the United Nations *Declaration on the Rights of Indigenous Peoples* (United Nations 2007), the International Labour Organization (ILO) *Convention No. 169* and UNESCO's *Convention for the Safeguarding of Intangible Cultural Heritage*. These policies are all somewhat different and carry somewhat different force but, crucially, none is particularly enforceable at an international level. As members of the United Nations, nation states are expected to comply with its policies, but the Declaration on the Rights of Indigenous Peoples is a General Assembly Declaration and is not legally binding. Article 13 of the Declaration is directly applicable to the use of indigenous languages:

Article 13:

1. Indigenous peoples have the right to revitalise, 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.
2. States shall take effective measures to ensure that this right is protected and also 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.

Article 13 therefore guarantees indigenous peoples the right to use their languages and makes it incumbent upon states that this right be protected. It does not, however, require states to facilitate the peoples' ability to exercise

this right but, rather, it guarantees access to interpretation for legal matters. Article 14 of the Declaration specifically addresses the right to education and the right to education in one's own language when possible (emphasis my own):

Article 14:

1. *Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.*
2. *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.*

In addition, Article 16 of the Declaration guarantees indigenous peoples the right to their own media.

As these Articles demonstrate, although they are interrelated, language policy and education policy are distinct from each other. Language policy is broader: in this instance, Article 13 does not specify where or when people have the right to their own language. Rather, it simply states that they do. Article 14 addresses issues of education and native language education rights: this affects a single sector of the population (school-age children) and a single domain (the school). Of course, the question of who determines what is 'possible', or even reasonable, is open to considerable debate. It may be seen that, when taken together, these three Articles support indigenous language rights. Indeed, Arctic indigenous peoples view them not only as validation of their rights but, moreover, as instruments that can be invoked to encourage governments to take active measures to safeguard that their rights are in fact met.

The Declaration of the Rights of Indigenous Peoples was adopted on 13 September 2007, with 144 votes in favour, 4 votes against (Australia, Canada, New Zealand, the USA) and 11 abstentions (including the Russian Federation). Thus, it was initially adopted by all but the three largest Arctic states. In response to pressure from Canadian Aboriginal groups, on 12 November 2010 Canada changed its position and endorsed the Declaration. Responding to similar pressures from Native American groups, on 16 December 2010 the USA announced it would sign the Declaration. However, both these countries continue to see it as not legally binding. It is therefore clear that different Arctic states respond to such pressures differently: indeed, at the time of writing, a petition is circulating on the internet asking that the Russian Federation adopt the Declaration. It shows no signs of doing so.²

It should not be forgotten, of course, that the Declaration is a policy document and not a set of laws. At best, its underlying principles should, in theory, guide the enactment of legal measures that enable indigenous peoples to exercise their rights and use their language in all domains, including education, but it remains to be seen what, if any, its effects will be. Indeed, on 13 October 2013, the special rapporteur of the Third Committee (Social, Humanitarian and Cultural) of the United Nations issued a press release during the 68th General Assembly, pointing out that implementing the Declaration on Indigenous Rights would be ‘difficult or impossible without greater awareness’ of the value of human rights (Anaya 2013).

Within UNESCO, indigenous language rights fall under the rubric of the Convention for the Safeguarding of Intangible Cultural Heritage (UNESCO 2003e).³ One of the Convention’s major contributions is its definition of intangible cultural heritage, as specified in Article 2 para 2(b), where it states that intangible cultural heritage is manifested in ‘oral traditions and expressions, including language as a vehicle of the intangible cultural heritage’. Although UNESCO’s work to support indigenous languages is most visible through the UNESCO Atlas of the World’s Languages in Danger,⁴ the strength of the Convention is that it can be invoked to encourage national governments to respond to the language needs of indigenous peoples.

However, the UNESCO Convention is not legally binding and UNESCO has no real power to enforce it – and this poses several challenges. At the international level, the safeguarding of intangible cultural heritage is manifested in the creation of intangible heritage lists, as seen in Article 17 of the Convention and yet, at the same time, this inventorying results in the mummification and commodification of cultural heritage (Lixinski 2013: 43, 55). At the national level, there is much room for the interpretation of exactly what constitutes intangible culture and what constitute reasonable measures to protect it. Even if states ignore the Convention, UNESCO has no real power to change their actions. Yet, despite its lack of legal power, the Convention’s very existence can be a powerful instrument to persuade governments to take measures to safeguard endangered languages, even if their motivation for this is no more than to save face in the international arena.

The ILO’s Convention No. 169, whose full title is The Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO 1989), is a very different sort of document. As stated in its Article 1, it applies to tribal peoples and to

peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all

of their own social, economic, cultural and political institutions. (Article 1, para 1(b), ILO No. 169)

Self-identification as ‘tribal’ or ‘indigenous’ is a fundamental criterion for being included in the purview of the Convention, which was adopted in 1989 and went into force on 5 September 1991. Its Article 2 grants wide-sweeping rights to tribal and indigenous peoples and, moreover, makes governments responsible for supporting these rights, for ensuring that these peoples have legal rights that are equal to those of the rest of the population, and for promoting their social, economic and cultural rights. Access to media in indigenous languages is addressed in Article 30 of the Convention and language rights are specifically spelt out in Article 28:

Article 28

1. Children belonging to the peoples concerned 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.
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.
3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

Article 28 of the Convention thus guarantees access to indigenous language education and the right to language use, including via language revitalisation and maintenance programmes.

As may be seen, ILO Convention No. 169 is the strongest of the three policies discussed above, in that it is ‘a legally binding international instrument open to ratification, which deals specifically with the rights of indigenous and tribal peoples’ (ILO 2014). However, at the time of writing, the Convention has been ratified by only two of the Arctic nations, namely Denmark (22 February 1996) and Norway (19 June 1990) and, for the six Arctic states which have not ratified this Convention, it remains non-binding. This is symptomatic of the fact that ‘remarkably and rather unfortunately, the Arctic States can often be seen to be lagging behind the worldwide trend when it comes to endorsing the international human rights standards that concern the indigenous peoples who live in their northernmost areas’ (Alfredsson 2013: 195).

Tension often exists between the desires of states to maintain autonomy in these and other matters and the hopes of indigenous peoples to have binding agreements in place that require their input and that mandate that the states take action. In the Arctic, these tensions are negotiated in different ways from one country to the next. Greater co-operation is apparent with regard to

indigenous and minority language policies in Nordic regions (see 4.2) than in Canada, the Russian Federation and the USA. Indeed, Thomsen (2013) argues that Greenland, with support from Denmark, has thus far successfully leveraged international instruments protecting indigenous rights to foster favourable language policies. In the Arctic, good governance is seen as being based on international principles of basic human rights, with national governments responsible for implementing such policies, and international bodies responsible for monitoring them (Alfredsson 2013).

1.4.2 *Arctic regions: transnational policies*

Two sets of key transnational policies are important for the Arctic states, namely, the Council of Europe's European Charter for Regional or Minority Languages and the Nordic Council's Nordic Language Convention and Declaration on Nordic Languages. The European Charter is aimed at protecting and promoting regional and minority languages. Its purview is broader than that of the Conventions discussed in Section 1.2, as non-territorial languages and less widely used official languages also fall under the rubric of regional and minority languages and thus are explicitly protected. Languages that are spoken 'traditionally' in a state's territory are protected, but those introduced by recent migrations are not (Council of Europe 2014). The European Charter was adopted on 25 June 1992 by the Council of Ministers of the Council of Europe (hereafter CoE), a European organisation that monitors human rights. It is interesting to note that, of the international measures discussed here (Sections 1.2 and 1.3), the Charter was preceded only by the ILO Convention No. 169 – in other words, both the United Nations and UNESCO were relatively slow to act. The fact remains, nevertheless, that although all European Arctic Council members have signed the Charter, only four (Denmark, Finland, Norway and Sweden) have ratified it and put it into force, with varying delays (see Table 1.1).

The fact that the Charter is a document that has been drafted by the CoE is of particular interest. Its preamble states that one of the CoE's aims is to achieve greater unity among its members, in particular with regard to safeguarding the principles of common European heritage. It adds that protecting regional and minority languages in Europe is integral to European wealth and traditions. Significantly, the Charter invokes the rights and principles contained in the United Nations International Covenant on Civil and Political Rights, and it is in keeping the spirit of the CoE Convention for the Protection of Human Rights and Fundamental Freedoms.

The Nordic Council is an inter-parliamentary body whose members are Denmark, Norway, Sweden, Iceland and Finland. It also includes two delegates each from Åland, the Faroe Islands and Greenland. The Council recognises

Table 1.1 *Arctic countries: signatures and ratifications*

	Signature	Ratification	Entry into force
Denmark	05.11.1992	08.09.2000	01.01.2001
Finland	05.11.1992	09.11.1994	01.03.1998
Iceland	07.05.1999		
Russia	10.05.2001		
Norway	05.11.1992	10.11.1993	01.03.1998
Sweden	09.02.2000	09.02.2000	01.06.2000

Total number of signatures not followed by ratifications = 8.

Total number of ratifications = 25.

eight official Nordic languages, namely Danish, Finnish, Norwegian, Sami, Swedish, Icelandic, Greenlandic and Faroese, and it also acknowledges that other minority languages have official status in certain Nordic regions, citing Meänkieli (Torne Valley Finnish), Romany, Yiddish, Kven and German as examples. Co-operation on linguistic matters within and across the Nordic countries falls under the remit of the Nordic Language Convention and the Declaration on Nordic Languages. This Convention is legally binding and it ‘gives Nordic citizens the right, as far as possible, to use their own language, or get interpretation or translation, when they contact the authorities in another Nordic country’ (Nordic Council 2014). In contrast, the Declaration on Nordic Languages is not legally binding, although the Nordic Ministers of Education are obligated to ensure that their respective countries meet its goals. Funding for language projects is available via the Nordic Culture Fund and the Nordplus Programme, which aims ‘to strengthen and stimulate interest for knowledge and understanding of Nordic cultures, languages and living conditions’.

In Nordic regions, much of the interest in language comes from the strength and relative mutual intelligibility of the Scandinavian languages, which clearly facilitates cross-border communication. The Nordic Council (2014) explicitly states that ‘without much effort, most of the inhabitants in the Nordic countries can learn to understand and communicate between their neighbours’.⁵ Indeed, the Nordic Council invokes what it terms the ‘fellowship of languages’: ‘The fellowship of language is one of the things that binds Nordic co-operation together. Danish, Norwegian and Swedish are so closely related that, with relatively little effort, you can learn to understand all the languages, if you speak one of them.’ However, this ideal does not hold true for all Nordic residents, and recent studies have shown that even speakers of Scandinavian languages – in particular younger speakers – have difficulty understanding other Scandinavian languages. That said, however, the Nordic Council does provide

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mechanisms for both transnational (pan-Nordic) and national language policies that promote the use of Nordic languages, both official and minority, within their regions.

1.4.3 Arctic countries: national and regional language policies

The Arctic nation states vary significantly in size and in the percentage of their territory and peoples that are identified as Arctic (or even northern). In the USA, for example, only the state of Alaska has Arctic regions and, in fact, the southern part of Alaska is considered to lie outside the Arctic zone. Alaskan indigenous languages (such as Tlingit) that are spoken further to the south, and a large number of the indigenous Native American languages spoken in more southern regions of Canada and the USA are not included at all in Arctic counts. In contrast, all of Greenland is Arctic and the overwhelming majority of the population is indigenous.

In addition to the aforementioned language policies that operate at national and international levels, there also exist multiple more localised, regional policies. The Arctic nation states are themselves divided into lower-level administrative units and many of these are, in turn, further divided into administrative units. Focused, local language policies often exist, in particular, in those regions with relatively large or dense populations of indigenous peoples.

We have seen, therefore, that the Arctic states are by no means homogeneous in terms of their demographics, their regional jurisdictions and their language policies. What we find instead is great variation in how these different countries relate to Arctic areas and how they engage them politically. Although a comprehensive account of these various legislative regions and their language policies is beyond the scope of this chapter, it goes without saying that differences in policies (and in their implementation) do correlate with differences in language vitality. Although policies are just one factor in a nexus of factors that may stabilise, or disrupt, local language ecologies, a comparative analysis of language vitality in regions with differing language policies shows that policies can and do matter. One interesting Arctic example of this is provided by the case of Evenki, a Tungusic language spoken in vast areas of Siberia and Northern Russia. Historically nomadic, the Evenki people migrated across great distances in the Russian far east and north, the result being that, today, they live in a relatively large number of small, scattered communities. The Evenki language is critically endangered: in 2010, official data show that only 4,802 speakers remain out of a total ethnic population of 38,396. This represents a 20.3 per cent loss in speaker base between 1989 and 2010 (All-Russian Census 2010). Today, Evenki continues to be learnt by children in certain parts of the Russian Federation while in others it is moribund.