

Ngan Doanh M. Do
Science and Technology Department in Tuyen Quang province
Vietnam

LINGUISTIC DIVERSITY AND ENSURING THE RIGHTS OF ETHNIC MINORITIES IN SOUTHEAST ASIA

1. Definitions about language, linguistic diversity and languages of ethnic minorities

1.1. Language

According to the Vietnamese dictionary or English dictionary, “language” is a “system of communication consisting of sounds, words, and grammar, or the system of communication used by people in a particular country or type of work”.

In view of anthropological research, language is not merely a means of communication but also as a means to develop the most important forms of cultural and spiritual life. Many experts have confirmed that in all ethnic characteristics, the language is the most important characteristic. In particular, compared to other ethnic characteristics such as culture, religion, creed etc., the language is less fragmented than the others. Therefore, if the language of a community / ethnic group is at risk of degradation, the ethnic identity will also be threatened, even ethnic culture can also be at danger of falling into oblivion seriously. It shows that language is not only closely related to the ethnic nature but also affects the survival and development of such ethnic communities. It is no coincidence when most ethnic names are the same as their languages.

1.2. Linguistic diversity

Today, there are about six billion people living on five continents and distributed to about two hundred countries. Most of the communities living in the different countries are not only different in customs but also use different languages. According to the investigation report by United nations educational, scientific and cultural organization (UNESCO) in

2017, there are about 2 725 languages in the world¹. The fact about linguistic diversity has urged many scientists to give different theories and opinions about the development in the diversity. Until today, the diversity of culture practice has been recognized, considered, analyzed at not only country or nation level but also at smaller levels such as ethnic group, local region etc., or even in smaller communities such as a village, a hamlet, a gender, a generation in a village². Until today, the culture diversity is affirmed to be necessary to the mankind as the biodiversity to nature. With this meaning, the Linguistic diversity is the shared assets of the mankind and it should be recognized and confirmed for the benefits of today generation and future generations.

1.3. Languages of ethnic minorities

In the view of international law on human rights perspective, language not only plays the central role of the human and culture, it is also the expression of the identity and special important to the communities of the ethnic minorities in some countries, regions in the world.

Therefore, the minority language is the object to be protected by the international human right law. With the function of keeping and promoting the fruitful diversity of culture³, UNESCO annually announces the parameters about the minority languages which will be no more used in the future. Until now, there are more than one thousand and six hundred languages which are not recognized as independent languages or are about to be mortal. There are about 229 languages that are almost not spoken by anyone today and three-quarters of the world's languages have never been written. There are only about 500 languages which have been studied relatively sufficiently.

In the 20th century, when the international law recognized the universal values of human rights which are concerned by the whole mankind, the researches on protecting the diversity of cultures and languages of the ethnic minorities have been concerned more. Today, the international law standards have mentioned this issue in some legal documents such as: at Article 27 of International Covenant on Civil and Political Rights in 1966; Article 30 of Convention on the Rights of the Child; Article 4 of Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities in 1992; at Articles 4, 5, 6 of Universal Declaration on Cultural Diversity in 2001... Accordingly, cultural diversity protection is an ethical demand which cannot be separated from the respect for human dignity.

¹ UNESCO *Interactive Atlas of the World's Languages in Danger*, <http://www.unesco.org/languages-atlas/index.php> [1.02.2017].

² Vo Khanh Vinh, *Argument and practical issues of economic, cultural and social rights*, Hanoi 2001, p. 242.

³ *Tuyên ngôn thế giới*, <http://thuvienphapluat.vn/van-ban/Linh-vuc-khac/Tuyen-ngon-the-gioi-ve-da-dang-van-hoa-2001-276378.aspx> [1.12.2017].

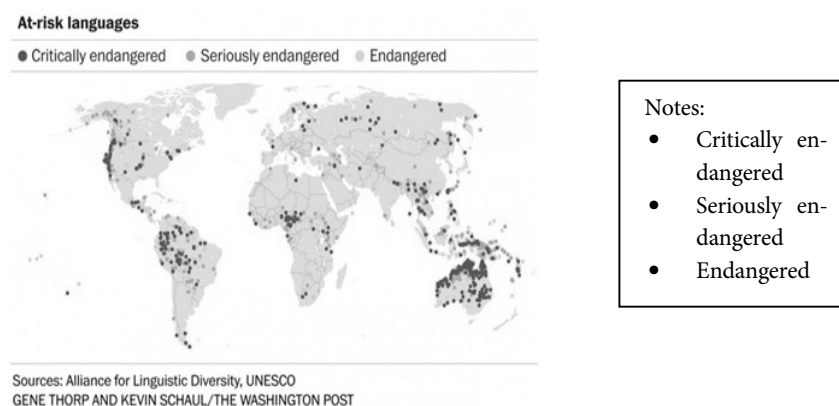
2. Linguistic diversity background and existing conditions of minority languages in Southeast Asia

2.1. Linguistic diversity background in Southeast Asia

Southeast Asia is the region with the area of about 4.5 million km², including the sea and the mainland and located right at the four-way international trade gateway. Therefore, the people in Southeast Asia are impacted by many cultures, religions and thoughts. In 1962, the population of this area was only about 225 million people and the population is more than 601 million people today⁴. This region has been developed to become the region with the collection of population with complicated and diversified components, race and ethnicity. Southeast Asia today has more than 700 ethnic groups living together in which: Laos (49 groups); Vietnam (54 groups); Cambodia (26 groups); Thailand (70 groups); Philippines (90 groups including 68 ethnic minorities); Indonesia (more than 300 groups); Singapore (9 groups); Myanmar (about 135 groups in which 8 groups are the majority groups); East Timor (6 groups)⁵.

In the background of linguistic diversity in the Southeast Asia as today, the central issue of ensuring the rights of the ethnic minorities in the countries in the region becomes urgent. About 3% of population in the world is using more than 96% of different languages. Among the languages used in the world, about 2000 languages are used by less than 1000 local people. Therefore, as estimated by UNESCO, about a half of the languages in the worlds will be disappeared at the end of this century. The extinction of languages will make the countries and regions face more difficulties⁶. Also according to the evaluation of UNESCO, Southeast Asia is one of the regions with the danger of losing almost minority languages (along with Amazon region, the sub-Saharan Africa, Oceania, Australia).

Map 1. At-risk languages according to UNESCO⁷



⁴ Luong Ninh, Vu Duong Ninh, *Southeast Asian knowledge*, Hanoi 2008, p. 15.

⁵ Le Ngoc Thang, *Nation policy of some countries in the world*, Hanoi 2009.

⁶ G. Thorp, K. Schaul, *Alliance for Linguistic Diversity*, "The Washington Post" 2019, November 29th.

⁷ UNESCO *Interactive Atlas...*, op. cit.

2.2. Existing conditions of minority languages in Southeast Asia

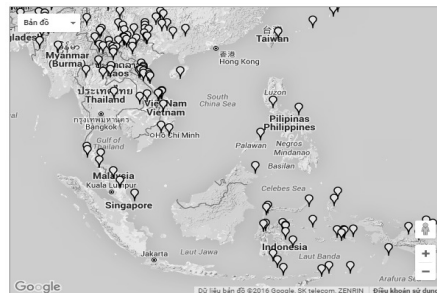
In the background of strong international culture integration, most of us are not aware of the loss of the civilization associated with their regional language. The issues which are more concerned shall still be: economic development, foreign affairs or social activities etc. compared to the use or not use of minority language of a particular small individual or community. However, if looking at the overall picture of language degradation recently, many people will be no more doubtful about the threat of extinction from the culture and mankind civilization. Therefore, many international organizations have proposed the classification criteria for defining the map on the at-risk languages in the world.

Map 2. At-risk languages in Southeast Asia

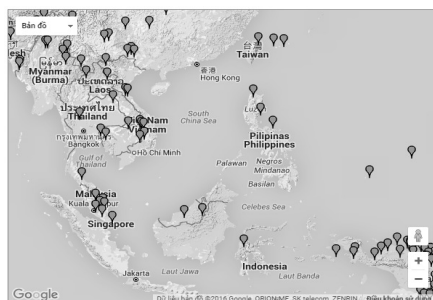
<i>Sign</i>	<i>Endangering level</i>	<i>Meaning of the warning</i>
	Safe	Language spoken by all generations without interruption (not found in the map)
📍	Level 1: Vulnerable	Almost children speak the language but the language is restricted in some particular sectors
📍	Level 2: Definitely endangered	Children no more learn this language as a mother tongue at home
📍	Level 3: Severely endangered	This language is only spoken by grandparents and old generations and the parents can also understand that language but they no more use that language with their children or with their spouses.
📍	Level 4: Critically endangered	Only grandparent or the old people can speak that language but they can only use partially or not fluently
📍	Level 5: Extinct	No one uses this language



Level 1



Level 2



Level 3



Level 4



Level 5

Languages marked with black are extinct languages according to the data since 1950 (Level 5)

According to the statistics data given in 2017 by UNESCO in Southeast Asia, there are about 321 endangered language groups (at all 4 levels), in which Indonesia has 143; Lao PDR has 32; Myanmar has 28; Vietnam has 27; Malaysia has 26; Thailand has 25; Philippines has 15; Cambodia has 19; East Timor has 6 languages. The languages are endangered at Level 4 in Southeast Asia include: in Thailand there are 4 languages of Chung, Amok, Kasong, Samray. In Indonesia there are 30 languages including Aputai, Bonerif, Budong-Budong, Dampelas, Duriankere, Dusner, Hoti, Javindo Creole. In Lao PDR there are 2 languages including Amok and Iduh. In Myanmar there are 6 languages including Amok, Angku, Danaw, En, Riang, Tailoi. There are 9 languages endangered at level 4 in Malaysia including Batek, Duano', Jahai, Kensiw, Kentak, Lanoh, Menri', Punan Batu, Semaq Beri. In Philippines the endangered languages are Alabat Island Agta, Isarog Agta, Southern Ayta. In Cambodia the endangered languages are Chuang, Chung, Kasong, Kraol, Kravet, Samrai, Samray, Samre, So-ng. And in Vietnam there are 3 endangered languages including the languages of Green Glao; Red Glao and Iduh people.

Under the approach of laws on human rights, language is considered as the primary means for communicating the needs and implementing of human rights. In addition to the culture-related risks mentioned above, there are some impacts of mother tongue language degradation on the life of the ethnic minorities. In judicial activities, in least developed countries and developing countries, the ethnic minorities have to cope with many barriers in implementing the most basic human rights. That may be the right to speak, the right to work, the right to complain or other human rights in the proceedings because of their

languages. Actually, in almost developing countries, there is lack of the free of charge or cheap judicial activities for the vulnerable groups in the society when requested to protect before the court, especially the issues relating to translation and interpretation.

3. ASEAN member countries and minority language issues in the modern world

3.1. ASEAN member countries

The Association of Southeast Asian Nations (ASEAN) is an intergovernmental arrangement formed with the meaning a political, economic, cultural and social alliance of the countries in Southeast Asia.

ASEAN was precedent called the Association of Southeast Asia – ASA (including the Philippines, Malaysia and Thailand) in 1961. ASEAN was officially established on August 8th, 1967, with five member countries including Indonesia, Malaysia, Philippines, Singapore and Thailand. The number of member countries of ASEAN increased from time to time with new memberships: Brunei Darussalam (8/01/1984); Vietnam (28/7/1995); Laos and Myanmar (23/7/1997); Cambodia (30/4/1999). In addition to member countries, ASEAN has two countries in the role of supervisors (Papua New Guinea) and candidate (East Timor).

On 30 December 2015, three pillars of ASEAN (APSC political-security, AEC economic and ASCC social-cultural) were officially established and particularly important for the diverse culture of the region. The ASEAN Socio-Cultural Community (ASCC) became addresses the realm of human development, cultural and civilizational diversities and prescribes the elements and actions for successful cohesions in ASEAN.

After 40 years of establishment and developments with many ups and downs, ASEAN has become the intergovernmental regional cooperation organization, an important political-economic entity in Asia-Pacific and indispensable partner in the regional policy of the big countries and important centers in the world.

3.2. ASEAN's minority language issues

It can be asserted that the development of Southeast Asia in particular and Asian countries in general should not and will not be separated from the traditional culture. The leaders of the region must also understand that mother tongue languages of the ethnic minorities will not only contribute to create the cultural diversity for the region but also contribute to confirm the way of “Nation – Region – World”⁸. As the role of the most important organizations and intergovernmental committees on the world, ASEAN today pays the due attention on solving the major issues of the region such as: climate changes, labor, employment of migrants and their family members; communicable diseases or other potential risks etc.

⁸ Le Hoai Trung, *Building ASEAN community 2015 for peace, stability, development and aiming at the people*, Hanoi 2015.

In order to solve such issues, peace – stability, security and the socio-economic development and the existence in the diversity will be the basis for the most sustainable development.

In that direction, the most notable influences of ASEAN on protecting the culture diversity and ensuring the rights for the minority people are as follows.

Firstly, in terms of mechanism, since ASEAN has moved to new development phase by becoming the official pillar of cultural-social community of ASCC and new regulations on the cultural and social cooperation, the activities of this organization have considerable impacts on ensuring the human rights, especially the rights of ethnic minorities in all countries in Southeast Asia. ASCC was officially formed to create the community with sharing and cooperation to together face the changes of the world and region and internal changes of each country. In addition, in the context that Asia-Pacific (47 countries) is the only place in the world where there is no universal human rights mechanism for the whole region, Southeast Asia has become the only and the first sub-region where has ASEAN Intergovernmental Commission on Human Rights (AICHR). This also contributes to the active achievements in promoting and protecting the human rights in the countries in Southeast Asia. Especially, the directions set up for the coming time are all for promoting the diversified culture.

Secondly, in terms of operation principles, the region will continue keeping the operation principles that ASEAN will not have any interference on the internal affairs of member countries and together work for a collective commitment. This will bring about many advantages but also many challenges for conserving the minority languages and human rights of the region. In the positive way, in a region, there is a big difference in terms of political system, freedom level, democracy, and especially economic gap, cultural diversity, religion, ethnicity etc. and basing on this operation principle, Southeast Asia can establish a considerable mechanism as mentioned above. On the contrary, this operation principle makes many countries in Asia worried about the feasible effectiveness and capacity of that regional mechanism. However, finally, all decisions by ASEAN have no legal binding obligation.

Thirdly, although the participation level to international conventions about human rights of ASEAN is not the same⁹. But we can confirm that ASEAN always promote the principle of being devoted and willful to commit the international commitments (*Pacta sunt servanda*) in their region. It includes the devotion to implement the human rights and basic freedom right, in particularly the rights of the people on the minority people. In addition, it also includes conserving the minority languages linked to ensuring the human rights in some multi-ethnic countries. Language is one of the most important characteristics which is recognized at Article 27 of the International Covenant on Civil and Political Rights on the rights of the minority people (Laos, Cambodia, Indonesia, Thailand and Vietnam had joined) and Article 30 of the Convention on the Rights of the Child (all ASEAN countries had joined). Therefore, ensuring the rights of ethnic minorities in particular and human rights on the language issue in general is the responsibility of that countries. That responsibility includes a series of obligations, for example: non-interference in the use or selection

⁹ School of Law – Vietnam National University, *Human Rights in ASEAN*, Hanoi 2012, p. 49.

of language of individuals in some particular situations; the recognized-obligation on human rights of citizen or support for using the language of ethnic minorities. These regulations of the countries should base on the international conventions about human rights and instructions of United Nations to solve the problems about languages, problems of ethnic minorities; potential impacts relating to the linguistic diversity in a multi-ethnic country etc.

The Asian values, solidarity and patriotism built from thousand years of the colonial countries makes the coherence between the ethnic communities very high and no clear discrimination between the minority and majority¹⁰ will continue being the basis for increasing Southeast Asia to new high position on the international scale in all aspects. In the coming time, the minority language will be restored to its former position to make important contributions to not only promoting the Asian values but also bring positive impacts in increasing the legal awareness, providing the information for the Southeast Asian people in many typical issues as well as be the cultural highlight for the region. Accordingly, the responsibility in ensuring the rights to use and conserve the minority language of the countries shall continue playing the essential role with stronger demand than ever before.

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¹⁰ “Culture and human rights in the view of human development objective” – Vu Minh Chi, *The mechanism for ensuring and protecting the human rights*, Hanoi 2011, p. 30.

Ngan Doanh M. Do

Linguistic diversity and ensuring the rights of ethnic minorities in Southeast Asia

Under human rights-based approach, language is seen as the primary means for communicating the needs and implementation of human rights. In judicial activities, in the least developed countries and developing countries, ethnic minorities may face barriers even when performing the most basic human rights. Nowadays, the Southeast Asian has over 700 ethnic groups living together. In the context of linguistic diversity in Southeast Asia so, the issue on ensuring the rights of ethnic minorities in the countries in this area is set out urgently. This article will present on linguistic diversity in Southeast Asia and ensuring the rights of ethnic minorities in this region.

Keywords: human rights, ethnic minorities, Southeast Asia.

Różnorodność językowa a zapewnienie praw mniejszości etnicznych w Azji Południowo-Wschodniej

Zgodnie z podejściem opartym na prawach człowieka, język jest postrzegany jako podstawowy sposób komunikowania potrzeb oraz przestrzegania praw człowieka. W najsłabiej rozwiniętych krajach i krajach rozwijających się mniejszości etniczne podczas działań przed sądem mogą napotykać bariery nawet w przypadku najbardziej podstawowych praw człowieka. Obecnie w Azji Południowo-Wschodniej mieszka ponad 700 grup etnicznych. W związku z różnorodnością językową kwestia zagwarantowania praw mniejszości etnicznych w krajach w tym obszarze jest pilna. W artykule przedstawiono różnorodność językową w Azji Południowo-Wschodniej i kwestie gwarancji praw mniejszości etnicznych w tym regionie.

Słowa kluczowe: prawa człowieka, mniejszości etniczne, Azja Południowo-Wschodnia.

Translated by Anna Oleszak

