

Asymmetries between explicit and implicit language policies. The case of articles 7, 8, 10 and 70 of National Constitution of Colombia of 1991, and the Law 1381 of 2010 for Indigenous Languages of Colombia

Linguistic Forum 2021

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Projects:

-History of Language Policies in Colombia. From 1886 to 2021 (2021-).

-Sound Alternations Atlas of Indigenous Languages of Colombia (Spanish: ATASOLICO) (2020-2021).

-Holistic-Typological Atlas of Indigenous Languages of Colombia (Spanish: ATIHOLICO) (2019-2020).



United Nations
Educational, Scientific
and Cultural Organization



UNESCO Chair on
Language Policies for Multilingualism
Federal University of Santa Catarina (UFSC)
Florianópolis, Brazil

Florianópolis (Brazil), August 4th, 2020

Dr. Carmen Millán de Benavides

General Director
Instituto Caro y Cuervo
Calle 10 # 4-69, La Candelaria
Bogotá, D.C., Colombia

Honorable Dr. Carmen Millán Benavides,

It is with great joy and enthusiasm that I am writing to officially communicate to you the decision of the Executive Committee of the UNESCO Chair on Language Policies for Multilingualism to accept **Caro y Cuervo Institute** as a full member of its network of institutions, under the research coordination of Prof. Néstor.

The *UNESCO Chair on Language Policies for Multilingualism (LPM)* was established in May 2018 as a research network of universities, institutes and National committees, specialized networks and academies from different countries, based in the Federal University of Santa Catarina, in Florianópolis, South Brazil. It aims to generate knowledge on the different contexts of multilingualism, on the language policies developed in these contexts, and their implications for the sustainable development of citizens, linguistic communities, regions and countries.

The Chair's products – publications, events, academic mobility, training of masters and PhD students, advisory services to linguistic communities and governments – will dialogue centrally with the concept and guidelines for sustainable development, as foreseen in the Sustainable Development Goals (SDG) of the United Nations (2015-30).

OVERVIEW

1. Explicit Language Policy (ELP)
2. Implicit Language Policy (ILP)
3. Asymmetries between ELP and ILP
4. Research problem and questions
5. Methodology
6. Results
7. Conclusions

EXPLICIT LANGUAGE POLICY (ELP)

De jure. Political decisions that are established from official entities (e.g. language academies, parliaments, etc.) through laws, orders and prescriptions registered in written documents (Lameta, 2005; Shohamy, 2006; McCarty *et al.*, 2009).



LEY 153 DE 1887
(Agosto 15)
Por la cual se adiciona y reforma los códigos nacionales, la ley 61 de 1886 y la 57 de 1887.

PARTE PRIMERA.

REGLAS GENERALES SOBRE VALIDEZ Y APLICACIÓN DE LAS LEYES

ARTÍCULO 1. Siempre que se advierta incongruencia en las leyes, u ocurrencia oposición entre ley anterior y ley posterior, ó trate de establecerse el tránsito legal de derecho antiguo á derecho nuevo, las autoridades de la república, y especialmente las judiciales, observarán las reglas contenidas en los artículos siguientes.

LEY 35 DE 1888
(27 de febrero)¹
Diario Oficial No. 7311, de marzo 3 de 1888

Que aprueba el Convenio de 31 de Diciembre de 1887, celebrado en la ciudad de Roma, entre el Sumo Pontífice León XIII y el Presidente de la República,

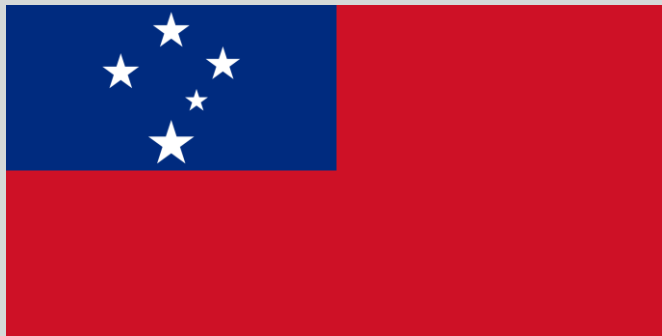
EL CONSEJO NACIONAL LEGISLATIVO,

Visto el Convenio de 31 de Diciembre de 1887, celebrado en la ciudad de Roma entre el Eminentísimo Señor Mariano Rampolla del Tindaro, Cardenal Presbítero de la Santa Iglesia Romana, del título de Santa Cecilia, y Secretario de Estado del Sumo Pontífice León XIII, en representación de Su Santidad, y su Excelencia el Señor Doctor Don Joaquín Fernando Vélez, Enviado Extraordinario y Ministro Plenipotenciario de Colombia ante la Santa Sede, en representación del Supremo Gobierno de la República; cuyo Convenio, copiado textualmente, es del tenor siguiente:



IMPLICIT LANGUAGE POLICY (ILP)

De facto. Political decisions that are inferred from social practices of different speech communities (e.g. language use in home, radio and TV, schools, universities, courts, etc.) (Lameta, 2005; Shohamy, 2006; McCarty *et al.*, 2009).



ASYMMETRIES BETWEEN EXPLICIT AND IMPLICIT LANGUAGE POLICIES

-There aren't laws that guarantee or forbid certain language uses. *De facto* decisions only.

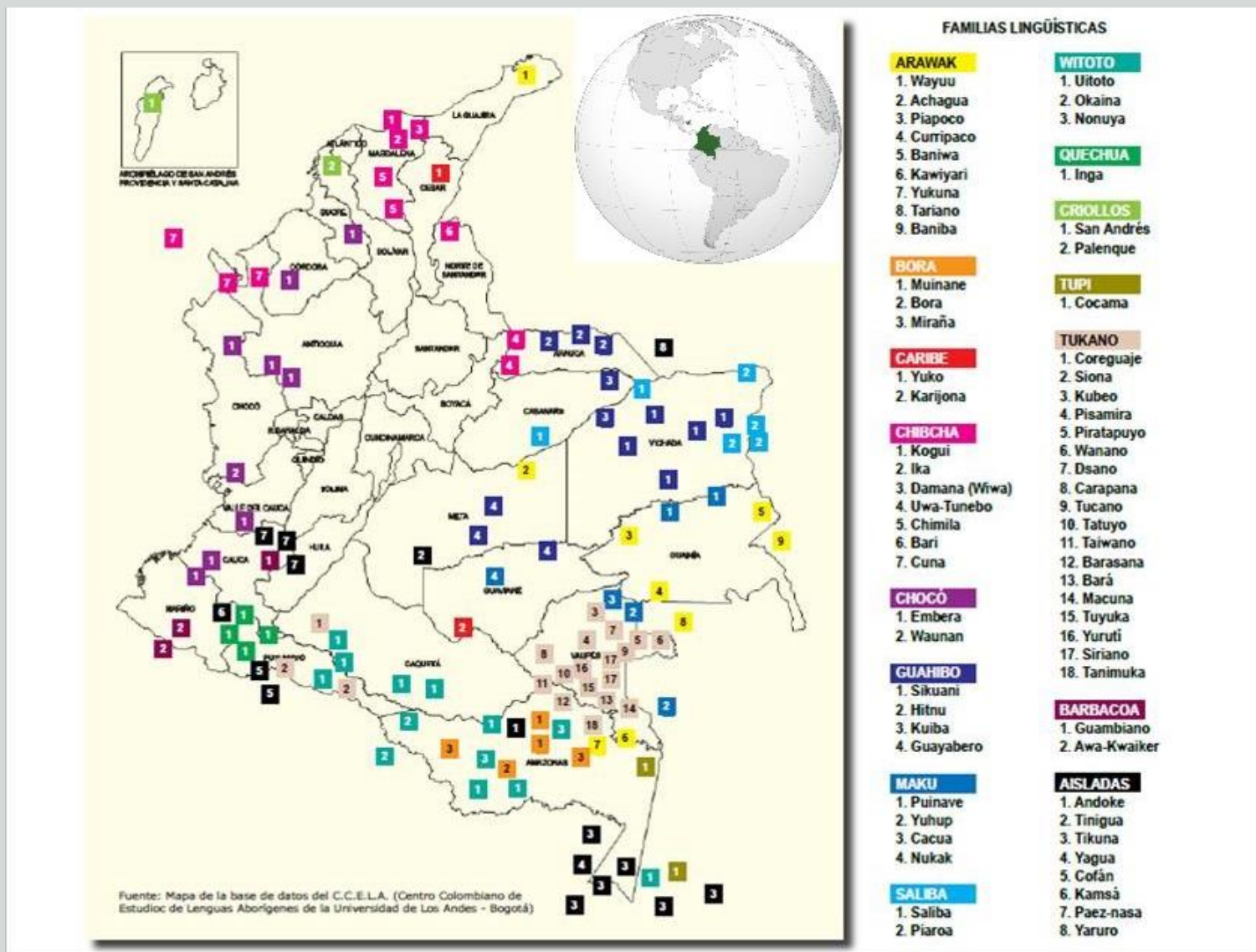
McCarty *et al.* (2009): Young indigenous people from Southwestern United States (Navajo, Pee posh/Maricopa, Tohono o'odham/Papago communities). Schoolteachers created learning strategies that provide new contexts of use of indigenous languages different to home and neighborhoods. Language attitudes gradually changed respect to Navajo and Pee posh: from negative to positive.

ASYMMETRIES BETWEEN EXPLICIT AND IMPLICIT LANGUAGE POLICIES

-Implicit Language Policies go against Explicit Language Policies.

López-Quiñones (2018): Colombian journalists obey the regulations of the most recent Orthography of Spanish Language produced by Royal Spanish Academy, without the tilde accent of word *solo* 'alone, only'. However, Mexican journalists considered that the most recent recommendations are “injustified”, “colonialist” and “arbitrary”, and they decided that *solo* must use the tilde accent when it is an adverb.

RESEARCH PROBLEM AND QUESTIONS



RESEARCH PROBLEM AND QUESTIONS

National Constitution of Colombia of 1991

Article 7: Recognition of ethnic and cultural diversity

Article 8: Protection of cultural and natural assets of the nation

Article 10: Spanish of the official language of Colombia. Languages of different ethnic groups are co-official in their territories. The teaching must be bilingual in these communities.

Article 70: To foster access to the culture of all Colombians equally by means of permanent education at all stages of the process of creating the national identity. The recognition of equality and dignity of all those who live together in the country. The promotion of research, science, development, and the diffusion of the nation's cultural values.

RESEARCH PROBLEM AND QUESTIONS

The Law 1381 of 2010

Development of regional bilingualism (Spanish-Indigenous Language)

-Language use in schools and universities

-Linguistic landscape and radio and TV programs in Indigenous languages

-Presence of languages in legal documents

-The reports of sociolinguistic vitality must take place every 10 years

LEY 1381 DE 2010

(Enero 25)

Por la cual se desarrollan los artículos 7º, 8º, 10 y 70 de la Constitución Política, y los artículos 4º, 5º y 28 de la Ley 21 de 1991 (que aprueba el Convenio 169 de la OIT sobre pueblos indígenas y tribales), y se dictan normas sobre reconocimiento, fomento, protección, uso, preservación y fortalecimiento de las lenguas de los grupos étnicos de Colombia y sobre sus derechos lingüísticos y los de sus hablantes.

EL CONGRESO DE COLOMBIA

RESEARCH PROBLEM AND QUESTIONS

Questions:

- What are the Implicit Language Policies that could be identified in Indigenous communities of Colombia?
- What is the degree of asymmetry between explicit and implicit language policies in Indigenous communities of Colombia?



METHODOLOGY

Secondary sources:

- Reports of vitality of languages
- Recent language descriptions
- Studies of language contact
- Studies of applied linguistics related to indigenous communities

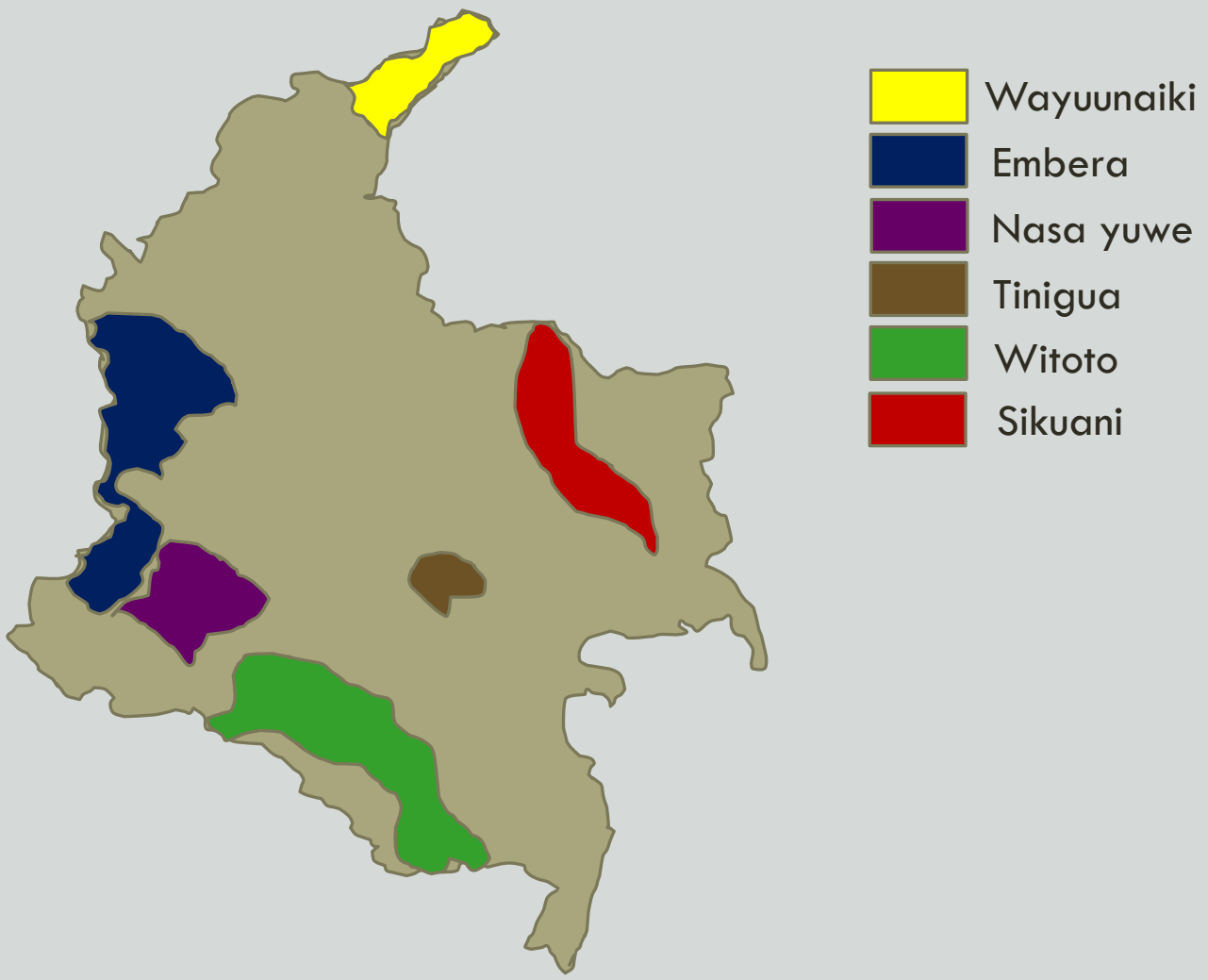
METHODOLOGY

6 languages, 5 zones

Zone	Language communities	Sources
Cauca	Nasa yuwe	Ruano et al. (2011) González (2013) Idiazabal (2017) Rodríguez (2019) Uribe (2020) Ferrari (2021)
La Guajira	Wayuunaiki	Bustos & Ipuana (2015) Álvarez (2016) Martínez (2020) Espejel (2021) Curiel (2021)
Pacific	Embera	Pulido & González (2017) Barreña & Pérez-Cauel (2017) Largo & Girón (2018) Sevilla (2018) Trillos (2020)
Eastern Plains	Sikuni Tinigua	Ramírez (2003) Castro (2014) Barragán (2014) Artunduaga et al. (2020) Palacio & Bolaños (2017) Palacio & Bolaños (2019)
Amazon	Witoto	Echeverri (2008) Ávila (2018) Wojtylak (2020)



METHODOLOGY



METHODOLOGY

ILP and the assymetry degree between IPL and ELP are inferred from these properties:

Demography

Attitudes towards intergenerational transmission of the Indigenous Language

Language use in Radio and TV

Language use in School and University

Language presence in official documents

Linguistic Landscape

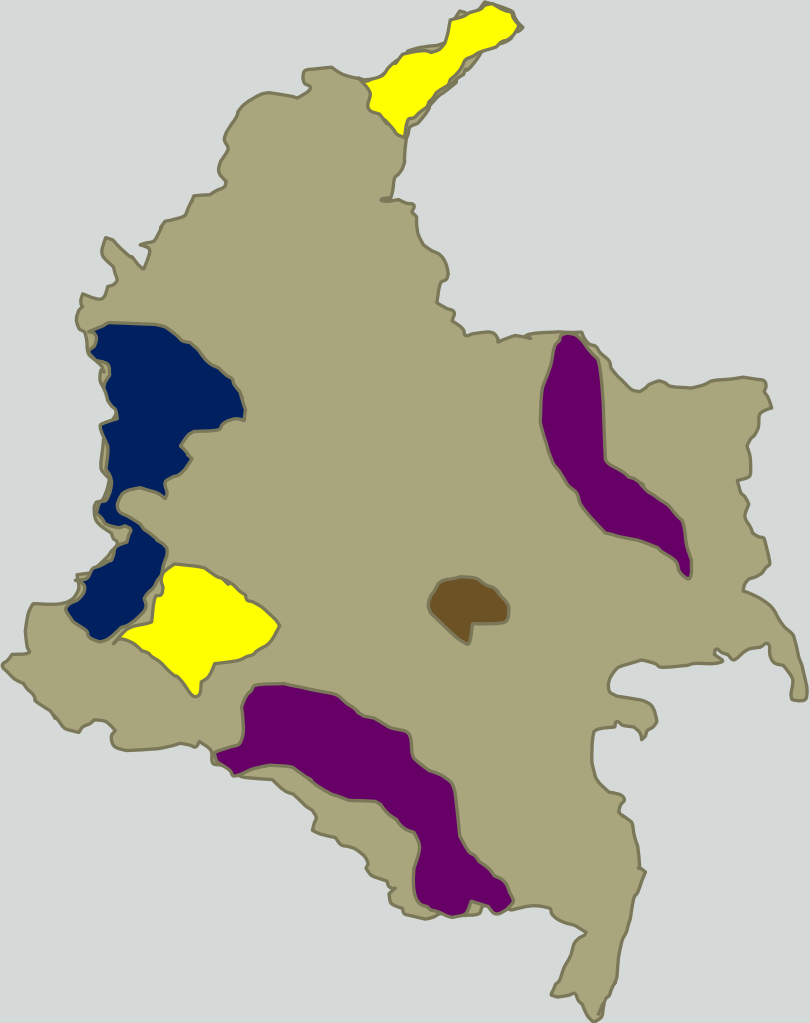
Date of the most recent official reports of vitality of languages



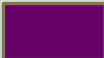

Prototypical ILP of only Spanish use, and the highest assymetry degree between ILP and ELP: low demography (less than 50 people), negative attitudes towards intergenerational transmission of the Indigenous Language, absense of Indigenous language use in Radio and TV, as well as School and University, there are no written or audiovisual documents in Indigenous language, the most recent official report of vitality of Indigenous language is from 2010 or before.



RESULTS

Demography

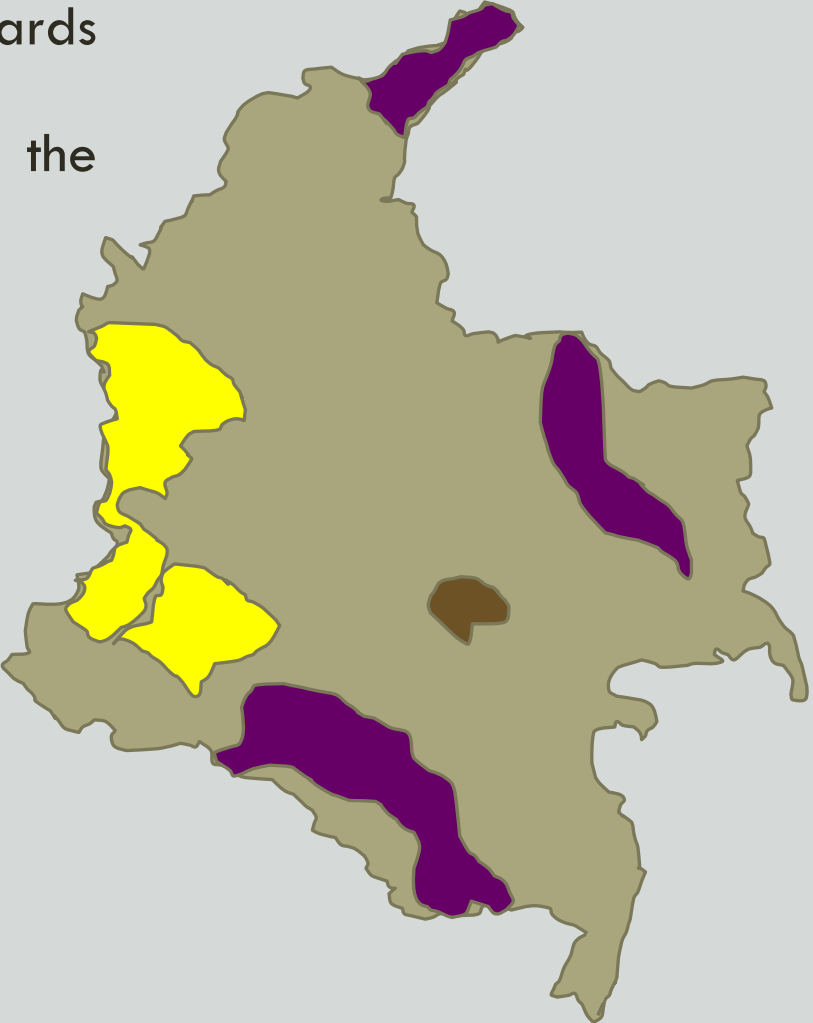


-  More than 100.000 people
-  Between 40.000 and 100.000 people
-  Between 1.000 and 40.000 people
-  Less than 1.000 people



RESULTS

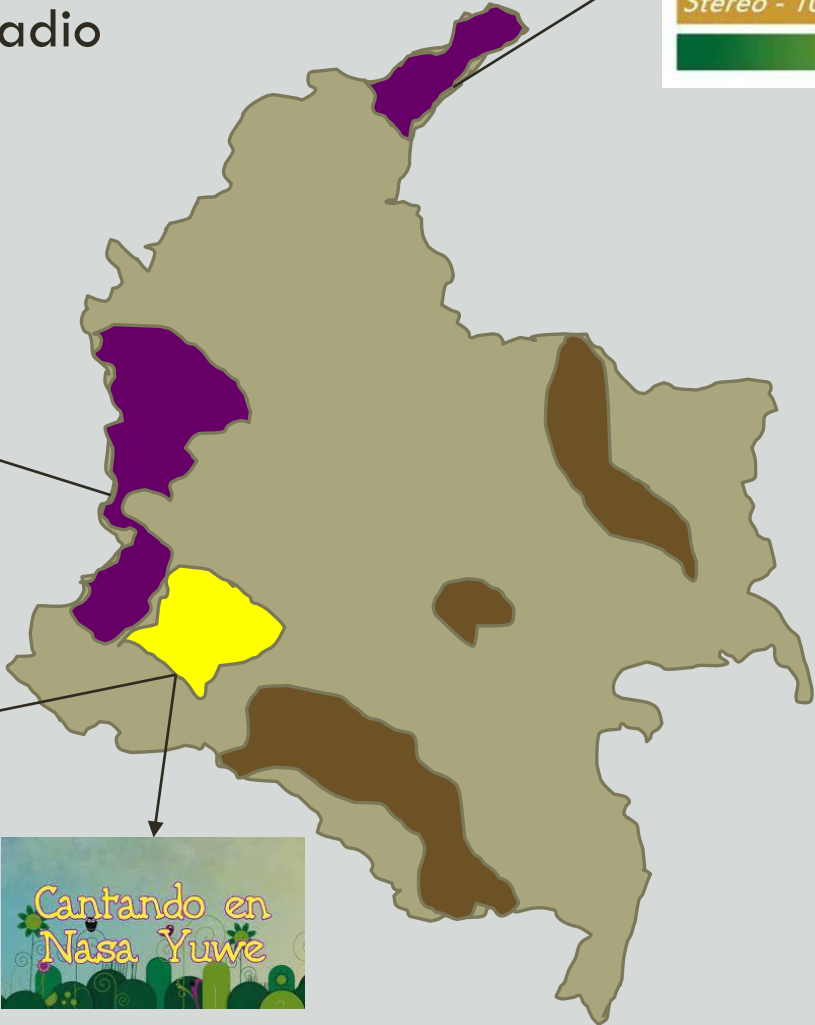
Attitudes towards intergenerational transmission of the Indigenous Language



- Positive
- Neither positive nor negative
- Negative

RESULTS

Language use in Radio and TV



- Radio and TV
- Radio or TV
- None of them



RESULTS

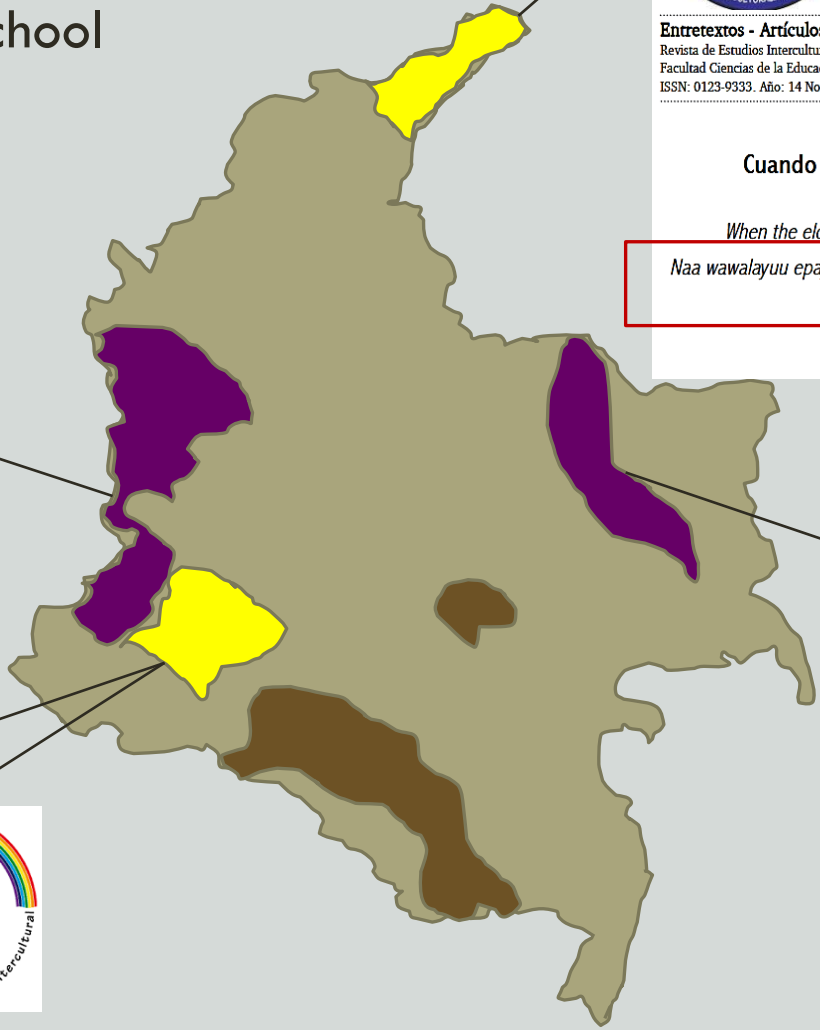
Language use in School and University



Entretextos - Artículos/Articles
 Revista de Estudios Interculturales desde Latinoamérica y el Caribe
 Facultad Ciencias de la Educación. Universidad de La Guajira. Colombia
 ISSN: 0123-9333. Año: 14 No. 26 (ENERO-JUNIO), 2020, pp. 76-95

Quando los hermanos mayores decidieron aprender a leer y escribir
When the elder brothers decided to learn to read and write
Naa wawalayuu epayaakana ojatalüshii nakua'ipa jüüpüla ekirajawaa jünain ashajaa otta aashaje'eraa

María Concepción Trillos Amaya³⁶
 Docente de la Universidad del Atlántico

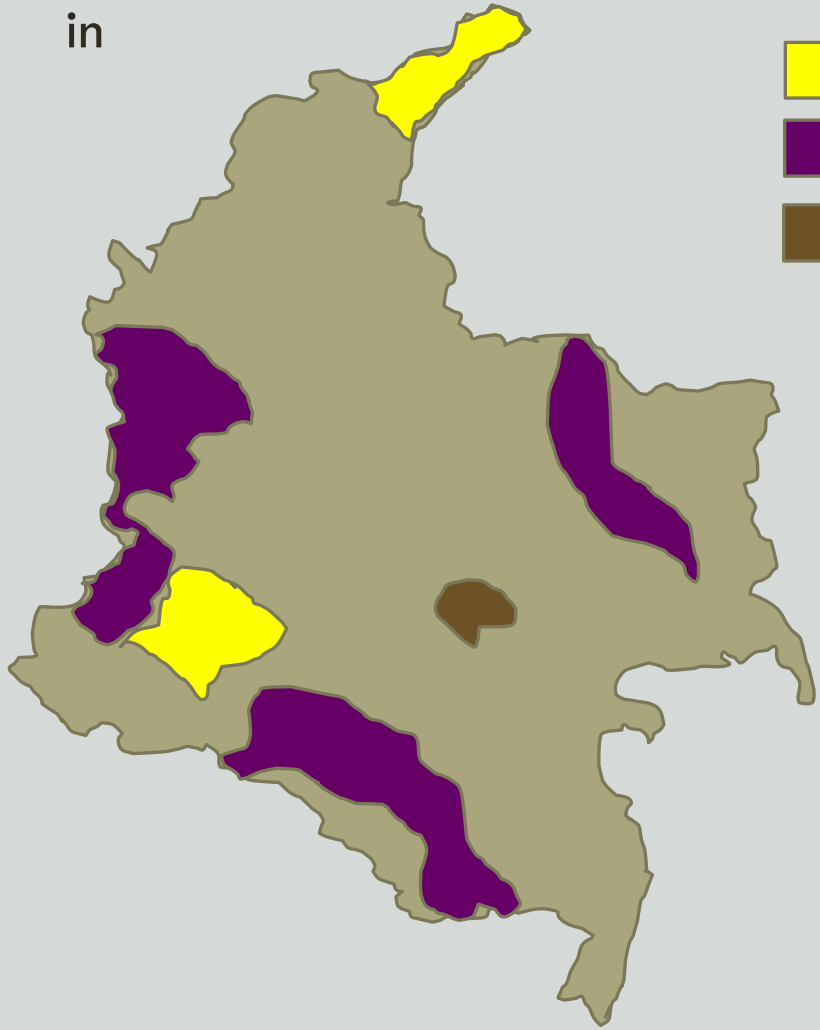




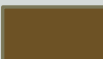
- School and University
- School only
- None of them



RESULTS

Language presence in official documents

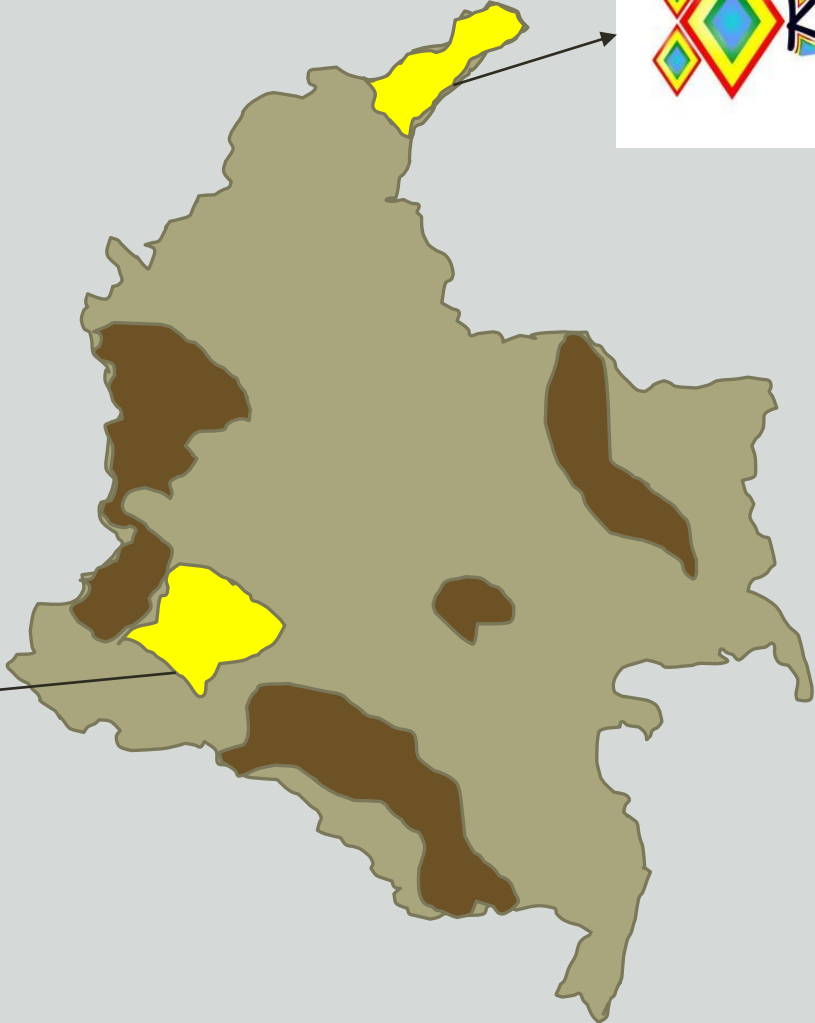




-  More than 2 official documents
-  1-2 official documents
-  Totally absent



RESULTS

Linguistic Landscape



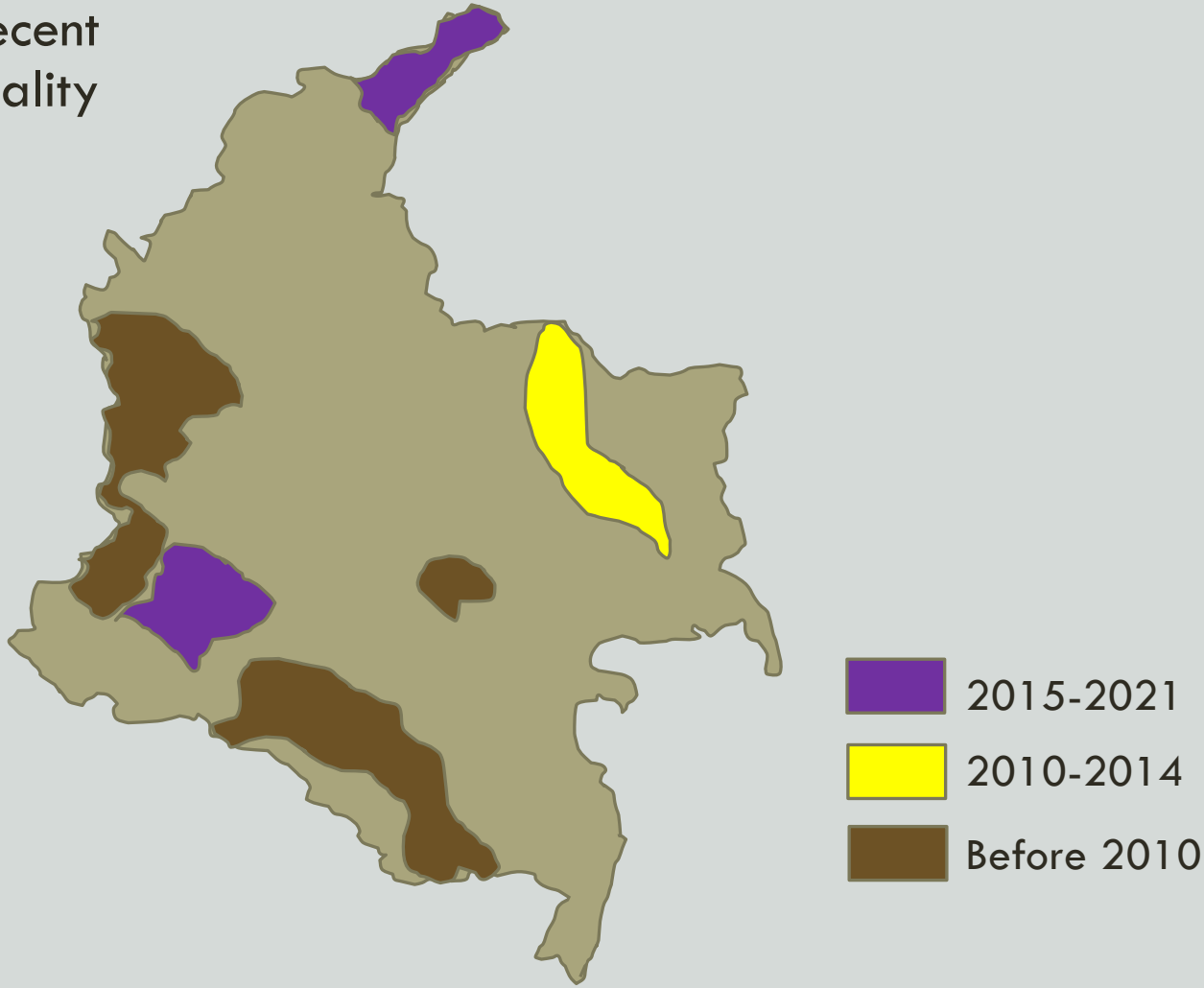
-  Present
-  Absent





RESULTS

Date of the most recent official reports of vitality of languages

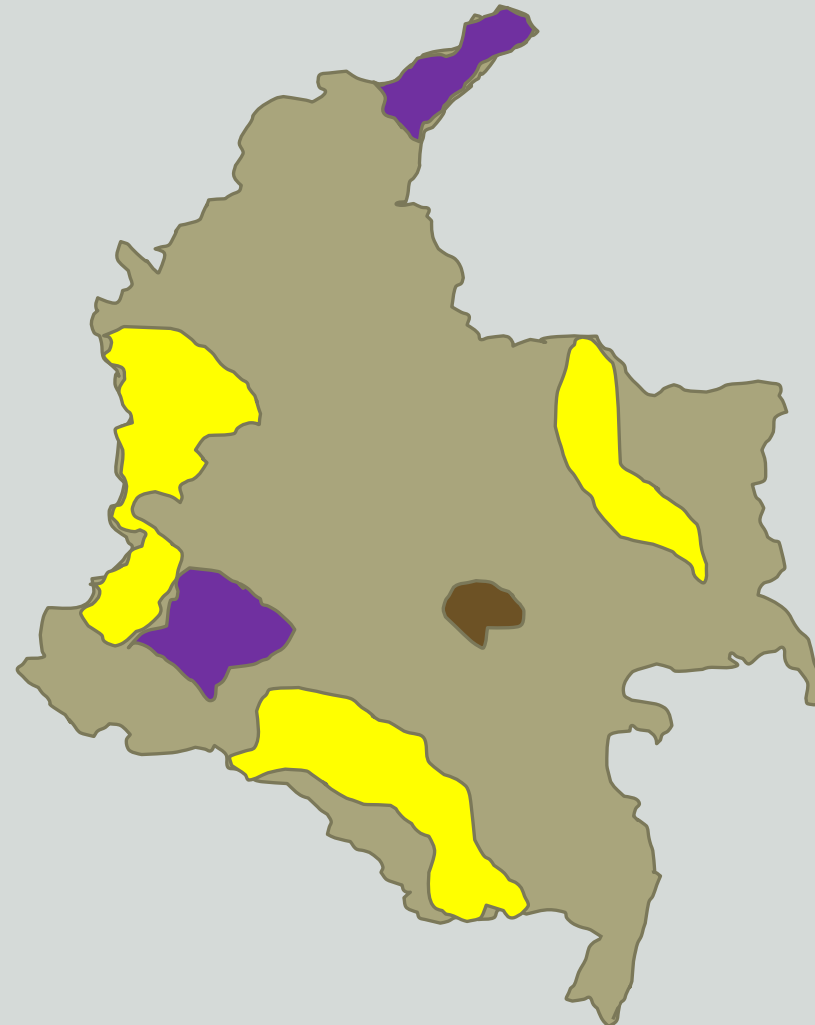





CONCLUSIONS

Possible causes to review:

Community displacements due to armed conflict (Figuera, 2018)

The absence of political and economical will for implementing the local bilingualism (Cortés, 2019)



-  ILP-Societal Bilingualism promoted by Indigenous communities. Low degree of assymetry between ILP and ELP
-  ILP-Unbalanced diglossia. High degree of assymetry between ILP and ELP
-  ILP-Spanish only. The highest degree of assymetry between ILP and ELP

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International conference "Linguistic Forum 2021: Language policy and language preservation"

THANK YOU!

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