

/LANGUAGE RIGHTS IN A PHILIPPINE SETTING*

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1. LANGUAGE RIGHTS, HUMAN RIGHTS, AND AUTONOMY

The concept of language rights is ill-defined or absent in most declarations of human rights. Although 'freedom of speech' is well protected in an abstract sense, for example, this does not necessarily confer on individuals the right to communicate with officialdom or to receive an education in their mother-tongues or other languages of their choice. However, UNESCO apparently had decided that the confusion in this area is a deficiency which should be remedied, and has asked AIMAV, an international organization concerned particularly with language education, to organize a round table on this issue in the near future with the object of preparing a comprehensive charter of linguistic rights. Meanwhile, a group of scholars in this area (including the author of this paper) have formed a 'working group on language rights' to explore the problem further, in preparation for the UNESCO/AIMAV meeting.

This paper focuses on some of the issues involved in establishing language rights in the Republic of the Philippines, and the possibilities for securing such rights under the provisions of Article X, sections 15-21, of the Philippine Constitution, which provides for the creation of Autonomous Regions. Particular attention will be paid to the linguistic issues raised by or implicit in the negotiations now under way for the establishment of one of these autonomous regions in the Cordilleras (Northern Luzon), and the ways in which language rights, if recognized and established, might be reflected in the education system in the Cordillera and elsewhere in the Philippines.

2. PROVISIONS OF INTERNATIONAL TREATIES AND AGREEMENTS

There are at least two major international agreements which include provisions specifically guaranteeing linguistic rights. One of these is the International Covenant on Civil and Political Rights, Article 27 of which provides:

In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

The other, which is much less vague, is the Unesco Convention against Discrimination in Education. Paragraph 1 (c) of Article 5 of this Convention reads:

It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools, and, depending on the educational policy of each state, the use or the teaching of their own language, provided however:

(i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the

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community as a whole and from participating in its activities, or which prejudices national sovereignty;

(ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and

(iii) That attendance at such schools is optional.

In the Philippine context, the linguistic provisions of the latter convention are implemented in special educational programmes for some of the smaller ethnic minorities. However government policy since 1974 has been to exclude vernacular languages, as far as possible, from the education system; one of these, Cebuano, is spoken natively by 20 percent or more of the population. However because the speakers of Cebuano and other major Philippine languages are so numerous, they would rarely be regarded as constituting 'national minorities'.

3. PROVISIONS IN THE PHILIPPINE CONSTITUTION

There are no direct references to language in either the Bill of Rights (Article II) or the section on Social Justice and Human Rights (Article XIII) of the Constitution of the Republic of the Philippines. Article XIV of the Constitution, however, makes 'Filipino' (not further defined) the national language (section 6). Filipino and (until otherwise provided by law) English are designated the official languages of the Philippines 'for purposes of communication and instruction', but with provision for the 'regional languages' (again undefined) to have an 'auxiliary role' in these respects in the regions (section 7).

The Philippine constitution does not go as far as the Spanish constitution in prescribing a single language which all citizens have a duty as well as a right to know; nor, however, does it parallel the latter in guaranteeing additional rights to speakers of other indigenous languages. The constitution does, nevertheless, recognize the right of 'indigenous cultural communities to preserve and develop their cultures, traditions and institutions'. It is not clear, however, what constitutes an 'indigenous cultural community', nor whether and to what extent 'culture' includes language. Article X provides for the granting of legislative powers over educational policy to the autonomous regions (section 20 (7)), and it is this and associated provisions regarding the autonomous regions which would seem to offer the most scope for the definition and establishment of linguistic rights in the Philippines.

4. PROVISIONS IN PHILIPPINE EDUCATIONAL POLICY

The Philippine Constitution would seem to imply that although they could not be the major media of instruction, some minority languages (those classed regional languages) could be used in a subordinate teaching role at all levels of the formal education system. Other minority languages, though, have no clear status. Officially, however, the national system of education has been bilingual since 1974, with English and Pilipino as the sole media of instruction (except for the limited use of the vernaculars in the lowest grades, 'where necessary'). This policy in its essentials has recently been reaffirmed, with 'Filipino' replacing 'Pilipino' (a terminological change only):

The Policy on Bilingual Education aims at the achievement of competence in both Filipino and English at the national level, through the teaching of both languages and their use as media of instruction at all levels. The regional languages shall be used as auxiliary languages in Grades 1 and 2. (1987 Policy, 1.A)

Although the provisions of this policy are clearly in accord with both the letter and the spirit of Article XIV of the Constitution, their effects have so far proved to be somewhat discriminatory. A recent major evaluative study conducted for NEDA by the Linguistic Society of the Philippines found, for example, that the bilingual policy in its first twelve years had benefitted Tagalogs and those students in the National Capital Region, and disadvantaged non-Tagalogs and those not in the National Capital Region (LSP 1986: 10). Since the people in the proposed autonomous regions fall within both 'disadvantaged' categories, it is possible they may wish to modify the existing national policy through the powers to be conferred under the autonomy provisions. Other Filipinos may be able to establish language rights by challenging policies resulting in apparently unequal outcomes under provisions such as those of section 18 of Article XV, which guarantees 'equal access to cultural opportunities', but the results of such a challenge would not necessarily favour the challenger.

5. IMPLICATIONS OF LINGUISTIC HUMAN RIGHTS

A few years ago, a Finnish scholar who has been very active in the promotion of linguistic rights in education, proposed the following 'Declaration of Children's Linguistic Rights':

- (1) Every child has the right to positively identify with her original mother tongue(s) and have her identification accepted and respected by others
- (2) Every child has the right to learn the mother tongue(s) fully
- (3) Every child has the right to choose when s/he wants to use the mother tongue(s) in all official situations.

It is clear that in the Philippines only Tagalog speakers have these rights, and only for as long as there is a very close relationship between Tagalog and the official language now called 'Filipino'. But (as has been noted) there is a possibility that in the proposed autonomous regions language rights could be recognized, and linguistic policy there could be quite different in detail and character from the rest of the Philippines.

It should perhaps be observed here that although the national language question has been vigorously debated in the Philippines, by and large Filipinos have a pragmatic attitude towards language, and will learn and adopt whatever languages seem most useful to them in the particular circumstances in which they find themselves. (cf. Gonzalez and Bautista 1986: 46- 48; 74-76) The publisher of *Solidarity* (an influential review of Filipino arts, letters, and politics) organized a series of seminars in relation to the drafting of the Constitution in 1986 and again earlier this year, which were attended by many influential scholars, artists, and political figures. It is interesting to note that while at these seminars strong support was given to the notion of decentralization, and (in connection with cultural renewal) the collection of oral tradition and the exposing of artists to different indigenous cultures, the only purely linguistic recommendations in the 'Filipino agenda for the 21st Century' advocated the 'Filipinization of Philippine Society as well as the democratization of culture' by:

- Using Filipino as the principal medium of instruction on all levels of education.
- Encouraging the extensive use of Filipino as the medium of mass communication ...
- Urging the bureaucracy to use Filipino ...
- Making important books ... available in Filipino ...

Since by 'Filipino' is meant, in essence, 'the language of the political and cultural centre', there is an interesting conflict between the desire to impose a single linguistic vehicle

for national consciousness supported in these proposals, and the desire to reduce the influence of centrist attitudes and thinking expressed in an earlier seminar on decentralization, which, logically, also supported wider use of local languages in education:

II E 1. c) [Decentralization should] Overcome the psychological dependency of the regions on the center or the metropolitan areas as a source of community as well as individual progress (Capital City syndrome)

III 2. [Development of human resources by] Structuring a mass educational system which will develop literacy which inculcates not only the ability to read and write, but also the ability to think analytically which would result [in] attitudinal transformation. It should seek to impart literacy in the native language at the elementary school level, since most pupils do not go beyond the primary level.

6. LANGUAGE RIGHTS AND THE NOTION OF "MOTHER-TONGUE"

Discussions of language rights usually involve the concept of the mother tongue, and the exercise of these rights principles of personality and/or territoriality. The complexity of the notion of 'mother tongue', when carefully examined in relation to an individual's life experiences, is summarized in the chart below:

Definitions of Mother Tongues
(Phillipson and Skutnabb-Kangas 1986)

CRITERION	DEFINITION
Origin:	the language(s) one learned first
Competence:	the language(s) one knows best
Function:	the language(s) one uses most
Identification:	
a. 3/8 Internal:	the language(s) one identifies with
b. 3/8 External:	the language(s) one is identified as a native speaker of by others

The Canadian Official Languages Act gives a simpler definition, based on a mixture of "origin" and "competence":

36. (2) For the purposes of this Act, the 'mother tongue' spoken by persons in any area of Canada means ... the language first learned in childhood by such persons and still understood by them, as ascertained by the decennial census taken immediately preceding the determination.

For educational purposes, the most practical general definition of 'mother tongue' is probably the language which the child knows best when first enrolled, provided that this linguistic knowledge and proficiency is given some support within the school system, or adequate compensatory support in the community. When neither of these conditions obtains, it will not be long before the complexities revealed in the Phillipson/Skutnabb-Kangas tabulation become more than merely academic notions.

The tenor of the Philippine constitution seems to be against the principal of personality in the exercise of linguistic rights. That is, even if linguistic rights were established for people within the autonomous regions, these rights could probably only be freely exercised within the territorial limits of the region. The same would probably apply

to any similar rights granted (in education, for example) to members of cultural minority groups elsewhere in relation to their languages. For example, if the right of the members of a group to use their language in education was primarily a personal one, the speakers of a Cordilleran language could expect to be taught in their language in Manila as well as in their home community. If the right were territorial, then it could not be transferred to the lowlands.

7. LANGUAGE POLICY IN THE CORDILLERAN AUTONOMOUS REGION

We can now look at these questions in relation to one region: the Cordillera, which comprises the present provinces of Kalinga-Apayao, Abra, Mountain Province, Ifugao, Benguet, and the City of Baguio. Development of linguistic policy in this region would need to take account of at least (1) official languages, (2) the status of local and ethnic languages, and (3) media of instruction. In this connection it is worth looking at a Spanish parallel, as the Philippine legal system is historically in part derived from that of Spain, and Spain has redeveloped in recent years a sophisticated system of regional autonomy (the nature of which was examined by members of the 1986 Philippine Constitutional Commission). The Basque Country in Spain has attained a very high degree of self-determination, and the linguistic aspects of this are a good basis for discussion of possibilities within the Cordillera.

The Statute of Autonomy for the Basque Country (enacted by the Spanish parliament) guarantees the status of both Basque and Spanish as official languages, and also protects citizens from discrimination on linguistic grounds. (See the Appendix for the text of the relevant provisions in this and other statutes, discussed in this section.) After the adoption of this statute, the newly established Basque parliament enacted its own 'Basic law for the standardization and use of Basque', which provided first that Basque is the 'natural language' of the Basque Country, and also that citizens of the Basque Country have the right to 'know and use' both official languages (i.e. Spanish and Basque). The law then lists a number of 'fundamental language rights' for these citizens:

- the right to conduct official business in Basque;
- the right to be educated in both Spanish and Basque;
- the right to receive communications (including radio and television programmes) in Basque;
- the right to develop work-related activities in Basque; and
- the right to use Basque at any meeting.

The authorities were enjoined to ensure that these rights were made 'effective and real'. Furthermore all actions of the government must be made bilingually, but local governments may, in areas where all citizens understand Basque, dispense with Spanish.

Leaving aside the question of the local equivalent of 'Spanish' for the moment, what would be the effect of replacing the word 'Basque' in the provisions outlined above by 'Cordilleran languages (including Ilocano)', or a similar phrase? Since there are a dozen or more languages involved (e.g., Apayao, Atta, Balangaw, Bontok, Gaddang, Ibanag, Ifugao, Ilocano, Inibaloi, Isneg, Itawis, Kankanay, Nabaloi, ...), the situation at first appears to be one of frightful complexity. However, a closer examination may reveal it to be much less problematic.

- (1) The right of the inhabitants of the Cordillera to use any of these languages, in general terms (as in the Statute of Autonomy), would not require any individual to use any particular language, if a non-discrimination provision were also enacted.
- (2) An affirmation that the Cordilleran languages were the natural languages of the Cordillera would simply be a statement of fact (as well, of course, as being a statement of value):

- (3) The 'fundamental language rights' listed above could also be upheld in the Cordillera, even if the exercise of some, like the provision of education in the language of one's choice, may be constrained by practical considerations. (This will be discussed in more detail below.)
- (4) The languages required for the announcement or publication of official acts and decisions may also be varied; i.e. the language(s) of the group(s) most concerned could be the official languages for these purposes.

One key question of course is that earlier left aside: what is the Cordilleran equivalent of 'Spanish' -- or, to put it another way, what are (or could become) the officially recognized *linguae francae* of the Cordillera?

One plausible answer to this question is Ilocano and English, if the region is taken as an undifferentiated whole. 'Filipino' would presumably also have to be added to this list, since it is the primary official language of the Philippines (thus directly corresponding to Castilian in Spain), and also because it has now replaced Ilocano as the *de facto* lingua franca for many of the people in and around Baguio City. All or most official documents affecting the whole region would probably need to appear in at least these three languages, rather than simply English as at present (just as the Basque Government publishes most of its official documents in Basque, Spanish, French, and, for international access, often English as well).

There is a subsidiary question here, too, which is relevant to the Philippines in general, but, because of the constitutional obstacles already mentioned, could be more easily explored in the autonomous regions than elsewhere. This is the extent to which individuals or families have a right to know (or to continue to have access to) a non-indigenous major world language. The wording of section 6 of Article XIV of the Philippine constitution implies that Filipino will ultimately be the sole language of education (although present government policy still favors a bilingual system with English and Filipino as the major languages). The continued presence of English may have some constitutional support under section 10 of Article XVI, which aims to develop 'communication structures suitable to the needs and aspirations of the nation and the balanced flow of information into, out of, and across the country'; but whether, for example, people in the Cordillera or elsewhere have a right to demand a substantial part of their children's education in a language which helps to link them with the outside world, government policy notwithstanding, is an important issue which has yet to be resolved.

The second major issue in linguistic policy mentioned above is that of the status of local languages. For self-determination to have real meaning, the languages of the indigenous peoples of the Cordillera would need to be co-equal to the official *linguae francae* within the communities (social and geographic) where they are spoken, and also in both written and oral communication between people from these communities and the regional authorities, as well as in transactions between the national authorities and members of these communities in matters affecting them within the Cordillera.

The third question -- the critical one from an educational viewpoint -- is that of the language or languages to be used in the schools. The practical dimension of this question is, given large numbers of indigenous languages, and relatively small numbers of people speaking some of them, as well as the problems of materials and resources, can children's language rights of the kind formulated by Dr. Skutnabb-Kangas, for example, be recognized effectively in the Cordillera?

The answer to this latter question could well be affirmative, especially if rights to mother-tongue education are communally or territorially based on the whole, at least as far as education is concerned (Baguio would constitute several communities in this respect, as would some other towns and settlements). Firstly, as the experience of the

Summer Institute of Linguistics and other approaches to the development of literacy in the Philippines have shown, teaching children or adults to read and write in the vernacular is no great problem and does not require a vast financial outlay. There are also sound pedagogical reasons for first teaching and developing important concepts in the learner's native language (i.e. the language they are most comfortable in at the time).

Obviously, it is also practical (as Philippine experience has also shown) to introduce a 'language of wider communication' quite early in a child's schooling. There is also a very strong parental demand for this. In the Cordillera the most favoured language of wider communication would probably be English. But the phasing in of English (or any other lingua franca) need not inevitably cut the first language out. The continuous development of proficiency in and knowledge of several languages is possible even where physical resources are meager if education is seen as a whole, with formal schooling only a part of it. Article XIV section 2 of the Philippine Constitution supports and encourages nonformal education, and such approaches could well be coterminous with schooling, as well as extending on into adulthood. Where appropriate, therefore, the school and community could cooperate closely in a principled way to ensure that a child's education in the vernacular language is not prejudiced by the allocation of a major role to another language in the classroom. In Ilocano communities, however, something analogous to (but not necessarily isomorphic with) the present Filipino/English bilingual policy in the lowlands (with Ilocano taking on the role of Filipino) might be a possibility, while some schools in Baguio might want to follow a slightly modified version of the standard Philippine curriculum.

The presence of members of different ethnolinguistic communities and children of different mother tongues in the same place does raise the question as to how far linguistic rights -- if they exist -- are alienable, and to what extent their exercise is conditional.

Although it may well be ideal if each child could be educated through his mother tongue, this may not always be practical. In the Cordillera, for example, language rights in education initially might have to be confined to Cordilleran and official languages, at least as far as public expenditure is concerned. Thus, for example, Pangasinan speakers in Baguio (of whom there are many) could be permitted to have their children educated through Pangasinan, but partly at their own expense. In such cases the Cordilleran government could legitimately require that a Cordilleran language, in addition to English and/or Filipino, be taught as a subject (just as the Basque law requires schools teaching through German, English, French, and other outside languages to teach both Basque and Spanish as subjects to all their pupils).

Again, there could be some practical limit set (for example, the presence of ten children speaking it) for a particular mother tongue to be a major medium of instruction in the classroom.

However, with the help of a network of volunteer assistants, part-time teachers, tutoring by older children, and so on, it would seldom be impossible to organize initial teaching of reading and writing and appropriate non-formal education in the culture of any Cordilleran group anywhere in the Cordillera.

But what about alienability? Do parents and guardians, for example, have the right to demand that their children receive all their formal education in a language that is not their mother tongue? (there is good reason to believe that in some parts of the Philippines, including the Cordillera, many parents would opt for English as the sole medium of instruction in the schools, if they had a decisive voice in the matter.)

The answer to this question is probably 'yes', but if the mother tongue is a local language, and a thorough grounding in a local culture is seen as a prerequisite for personal and regional development, then there would need to be a guarantee that there are adequate informal channels for the continuous development of proficiency in and

knowledge and appreciation of the mother tongue and its associated culture. In such circumstances, schooling would be concerned with adding to and developing skills, knowledge and attitudes not necessarily catered for by other community institutions. This would minimize the conflict which arises when parents regard their own culture as irrelevant to formal schooling, as well as enhancing the role of parents, in association with other members of the community, as the primary transmitters of the culture.

But when the language and culture are not from the region, then one could argue that, while individuals or families should not be compelled, pressured, or even encouraged to waive their rights to mother-tongue education, neither should they be compelled to continue to associate themselves intimately with a language or culture which they wish to distance themselves from or even to abandon.

However, since any effective learning system goes from the known to the unknown, a mother tongue basis is not just desirable; for most individuals it is needed if the adjustment from home and community to school is to be as productive as it should be. The prestige associated with school is also an important factor in legitimizing a local or minority language and culture, so it would be highly desirable for these to have an obviously important role at all levels in the school's curriculum, even if the major language for school use were different.

Finally, there is the problem of articulating with institutions outside the Cordillera. It is assumed in this discussion that section 19 (7) of Article X of the Constitution, which grants legislative powers over educational policies to the autonomous governments, has priority over the 'language of instruction' provisions of Article XIV section 7, and also over a strict interpretation of Article XIV, section 2 (1), which provides that the State shall 'establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society'. The last-mentioned section could be held to imply that the publicly funded education system should be centralized, and local needs subordinated to national ones, as perceived by the national authorities.

The discussions within the Constitutional Commission on this issue, although not conclusive, seem to indicate that the control of education by the authorities in the autonomous regions would be extensive but not absolute:

... in reply to Mr. Romulo's query on the extent of the regional education system to be subordinated or coordinated with government policy on education, Mr. Bennagen stated that there could be a number of variations in educational policy in relation to financial responsibility so that the establishment and maintenance of schools could end up to the secondary or tertiary level. He stressed, however, that more concern is given to the curriculum so that the educational program would be responsive to the peculiarities of the region and its aspirations in recognition of cultural and geographic diversity but not excluding the national government's educational policies such as the promotion of national unity, in order that there would be diversity within the framework of national unity.

In addition thereto, Mr. Ople pointed out that in the case of the Muslim Mindanao, schools could refer to the madrasah system whereby the Islamic traditions are taught. (Constitutional Commission Journal 1: 708).

The Constitutional provisions on media of instruction are based in part on the assumption that the adoption of a single national language, and its mandatory promotion through the school system, will enhance the development of national unity and of a spirit of nationalism. Although the link between language use and nationalism or national identity, looked at internationally, is a tenuous one, both nationalist and official rhetoric in the Philippines often link social and political unity with the primacy of a single, indigenous national language. However it is also arguable that an outward-looking love

for and loyalty to the concrete and observable realities in the individual's own linguistic and cultural milieu and its geographical setting may promote national unity as effectively as loyalty to an abstract idea and its official linguistic vehicle, at least in places like the Cordillera. The importance given to Filipino per se in determining what is in harmony with the national interest will have a major influence on the extent to which control of educational policy by the regional government extends to determining or sanctioning the media of instruction.

However, even if the regional authorities are free to decide what languages are to be used in the classroom (or to empower individual communities to make such decisions), there will need to be some points of contact with other systems of education, at least within the Philippines. The Cordillera does have within its boundaries a variety of tertiary institutions as well as primary and secondary schools, so to some extent it could develop a completely self-contained formal system for the region. The needs of transients could be met by 'Philippine' schools, following the standard Philippine curriculum. This would not assist permanent residents coming into the Cordillera, however, nor Cordillerans leaving to study elsewhere.

The greatest educational problem likely to arise for Cordillerans wishing to study elsewhere in the Philippines would be the adoption by the Philippine system of Filipino as the sole medium of instruction. However, there seems little immediate likelihood of this happening; if Filipino were well taught as a subject at upper primary, secondary and college levels, it is most unlikely that Cordilleran students would find themselves disadvantaged outside the region. Knowledge of English is still a major factor in achievement in Philippine schools (including the subjects taught in Pilipino), and it is unlikely that this will change rapidly. A thorough grounding in English would allow Cordilleran students to go to several Southeast Asian and Pacific Rim countries for further education with a minimum of linguistic difficulty, while much of the knowledge gained through the intensive and extensive cultivation of their local language, plus unavoidable exposure to lowland mass media (even if parallel local media are developed) would also facilitate a rapid adjustment to Filipino when necessary.

The main task of Cordilleran schools in ensuring that their curricula are compatible with the Philippine systems would seem to be simply to ensure that there is enough similarity in the content of the basic subjects taught in the two systems to enable transitions to be made with a minimum of trauma when individuals transfer from one type of school to another. (The same consideration would also apply to the curricula in the various parts of the Cordillera itself.)

However, there is perhaps a language right not set out earlier which could be considered here: the right to develop wholistic knowledge and competence in both the mother tongue and whatever other languages are added later, especially as media of instruction, through the school system. This would require that an attempt at least were made to ensure that each language were employed 'across the curriculum', with the aim of developing as far as is possible individuals aware of the creative potential of the languages they have acquired, and able to use them (and comprehend their use) in a wide variety of settings, emotional and aesthetic as well as intellectual and technical.

8. SPECIFIC PROPOSALS MADE FOR EDUCATIONAL DEVELOPMENT IN THE CORDILLERA

Since the end of 1986, peace talks have been going on to end the armed conflict and bring about the formation of a Cordillera Autonomous Region as envisaged by the Constitution. They have involved the Philippine government on the one hand, and a number of other groups (both directly and indirectly) -- the Cordillera Bodong Associa-

tion (CBA) and its military arm, the Cordillera Peoples' Liberation Army (CPLA), who were the only official participants in the talks with the government while this paper was being prepared, the Cordillera Broad Coalition (CBC), a non-aligned citizens organization which was involved in the official talks until March, and was still in contact with a number of government departments and agencies, and the Cordillera Peoples' Alliance (CPA), a coalition of groups with links to the National Democratic Front (NDF) and the Communist Party of the Philippines/New Peoples' Army (CPP/NPA), from which the CPLA had split previously. The government negotiators seem originally to have assumed that the CPA would be included in the official talks; members of the Alliance, however, have articulated their views outside this framework. Both the CBC and the CPA have refused to accept the primacy claimed by the CBA/CPLA in any interim arrangements to be made for regional autonomy.

Language rights and linguistic issues as such have not figured prominently in the proposals of the two groups who have been most active in negotiating directly with agencies of the central government, i.e. the CBC and the CBA, and whose proposals may presumably be expected to have the greatest initial impact on the administrative and political structure proposed for the autonomous region.

Both the CBC and the CPA seem to have adopted a very flexible stance in relation to educational and other policy issues, calling for consultations with the communities concerned, so that policies will be formulated by the people at the local community level, rather than for them. Language rights as such do not seem to have been considered separately from more general notions, such as culture and values. For example, the CBC included among its major concerns:

- integration of indigenous values into the formal educational system.
- ... relevant functional literacy program especially for youth and adults. (Issues and Concerns III.2)

without making explicit mention of any particular language/s, or the right to use or be educated in them. Similarly, other documents prepared by the Coalition stress issues such as

the recognition of and respect for the unique indigenous and migrant cultures of the Cordilleras as the viable vehicle for its sustained growth and development (Statement of Position, 26 March 1987),

again without overt references to language policy. A recent proposal by a non-political community group, the Committee on Development Education for the Cordilleras, while emphasizing the urgent and presently largely unmet need for an education system responsive and relevant to local conditions, has not specified in advance language as an issue, although the working party on educational reform which it wishes to have convened may well turn its attention to such topics.

The CBA/CPLA statements have made limited reference to language issues, in general terms by calling for the government to

Respect the right of the various peoples of the Cordillera Autonomous Nation to preserve their own cultures, modes of worship, languages and communal lifeways. (Agenda ..., 1.3, & Towards the Solution ..., 24)

In their proposed constitution for the Autonomous Region there are two references to language, one indirect, speaking of 'consolidating tribal unity along ethnolinguistic lines' (Article II), and one direct, requiring the 'Tribal Federation Government' to 'promote the official use of the tribes' common language' (Article IX). However, language rights as such are not explicitly mentioned, although it is possible they may be inferred from provisions respecting 'the indigenous socialist culture' and the 'autonomy of the various Cordillera peoples' (Article VIII).

The draft Executive Order to set up an 'Interim Cordillera Regional Administration' presented by the CBA negotiators to the government panel on April 13, 1987, and discussed in some detail by the two parties thereafter, provided that, among other things, the ICRA would have authority over the 'regional educational system', ...including the establishment and maintenance of educational institutions and curricular offerings to inculcate the traditional social values and cultivate the indigenous cultures in the Cordilleras. (5 (f))

as well as the

Preservation and enhancement of indigenous customs, traditions, languages and cultures. (5(m))

There were no explicit provisions for official or working languages (although Section 15 of the proposed Order provided that the Pagta 'shall be the governing charter of those areas ... that are administered by the CBA'); instead, it was left to the various assemblies and boards to determine their own rules of procedure, which presumably would include the languages to be used.

Again, language rights may be inferred, but their scope and character is far from clear.

The same may be said of proposals which have been made by the Cordillera Broad Coalition. In their March 26 statement on the peace talks, for example, the Coalition made a number of specific proposals, including a recommendation for 'appointment and support by national government of regional commissions to consult with Cordillera residents and recommend ... action on leading issues and concerns, including but not exclusive to' 11 specified domains, including human rights and education; language was not included in the list. In their statement on the autonomous region, issued the same day, they submitted that

Primary to the solution of a "just and lasting peace" in the Cordillera is the issue of land. ...

Of equal primacy is the recognition of and respect for the unique indigenous and migrant cultures of the Cordilleras as the viable vehicle for its sustained growth and development. The Cordillera is a unity in plurality.

Their own draft Executive Order (for the setting up of a 'convenor commission' to prepare the way for a regional government) was even vaguer on linguistic matters than the one prepared by the CBA/CPLA team. Basically, the CBC position could be summed up as 'let the people decide for themselves', and statements of principle, like those about respect for local cultures, have not been accompanied by detailed guidelines for action in advance of direct consultation with the people concerned. As was noted earlier, a similar approach has been taken by an allied group, the Committee for Development Education for the Cordilleras, which has been negotiating directly with the Department of Education, Culture and Sports for the establishment of a 'Commission for Relevant Cordillera Education' which could be set up in advance of any autonomous administration.

The Cordillera Peoples Alliance has also concerned itself with matters of broad principle, stressing concepts such as 'people's empowerment', 'popular democracy' and 'freedom from foreign domination'. It has been traditional within the communist-oriented nationalist movements in the Philippines to identify the use of the English language as an instrument of foreign domination (cf. Tollefson 1986). How far this implies sympathy with local languages (which could also be regarded as potentially conservative and reactionary forces) as against an imposed by indigenous (in a Philippine rather than Cordilleran context) national language such as Tagalog-Pilipino-Filipino is difficult to tell. No doubt, the CPA attitude to local languages and language rights would be prag-

matically determined by the extent to which the use of particular languages or the exercise of such rights was likely to intensify or diminish the revolutionary struggle.

9. PROSPECTS FOR THE DEVELOPMENT AND EXTENSION OF LANGUAGE RIGHTS IN PHILIPPINE SETTINGS

Although the notion of language rights (especially in regard to the official use of local minority languages in administration and education) has not generally achieved prominence in discussions or formulations of human rights in the Philippines, it is at least latent, and occasionally made explicit, in negotiations now going on in regard to the establishment of autonomous regions. It seems that the constitutional provisions regarding the autonomous regions give greater scope for the formulation, recognition and exercise of linguistic rights than is possible in other parts of the country, given current administrative practices and legal constraints.

Judging by the proposals being made by various interest groups, there are good prospects for the development and implementation of a truly multi-lingual educational policy in the Cordillera, whatever the immediate outcome of the peace talks initiated towards the end of 1986. If policy makers were to be guided by local opinion, it is possible that in the Cordillera English may continue to have a bigger role, in the short term at least, than has been allocated to it in mainstream Philippine education. This raises the wider question of the extent to which, in modern society, individuals have a right to access to an international language, as well as local, national and regional languages, and the extent to which the State is bound to support such a right.

In regard to the relationship between language rights and role of the vernaculars, a number of critical questions would have to be resolved, including whether such rights were primarily territorial as against personal in nature, and the extent to which the exercise of such rights could be waived. That is, because of the multilingual nature of the Cordilleran region, and the high esteem in which English is held as a language for formal education, there would also be a need to establish whether children had the right not to be educated in their mother-tongue, if they or their parents chose to abandon the language of the home (or community) for another language or combination of languages for educational purposes.

Prospects for the exercise of language rights outside the autonomous regions are dependent on the extent of public consciousness of the need for or legitimacy of such 'rights'. This consciousness may be growing, but it is still poorly developed in most places in the Philippines, and is regarded with suspicion by those nationalists who favour the philosophy of 'isang bansa, isang wika, isang diwa' (one nation, one language, one spirit). Legally, the extent to which most Filipino could expect to obtain the right to be educated or to communicate freely with officialdom in their mother tongues would depend interpretation given to the words 'regional' and 'auxiliary' in the constitution. In 1987, the narrowest possible construction is the one most likely to be put on these words in official quarters. Whether it would broaden if the idea of language rights were to take root in popular consciousness remains an open question, as does the extent to which the development of a framework for linguistic rights within the autonomous regions may lead to the recognition that such rights may be relevant to speakers of all Philippine languages.

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APPENDIX

SOME CONSTITUTIONAL AND LEGAL PROVISIONS AND PROPOSALS CONCERNING OFFICIAL AND MINORITY LANGUAGES

Provisions in the Spanish Constitution

Article 3:

- (1) Castilian is the official Spanish language of the State. All Spaniards have the duty to know and the right to use it.
- (2) The other Spanish languages will also be official in their respective autonomous communities in accordance with their statutes.
- (3) The wealth of different linguistic forms in Spain as a cultural heritage which will be the object of special respect and attention.

Article 20:

- (3) [the State must ensure] respect for the pluralism of society and the various languages of Spain [in relation to] access to the means of social communications dependent on the State or any other public body.

Article 148:

- (17) ...autonomous communities will be able to assume powers over ... the promotion of culture, research and, where appropriate, over teaching of the languages of the autonomous community.

Statute of Autonomy of the Basque Country

Article 6:

- (1) *Euskera*, the language of the Basque People, shall, like Spanish, have the status of an official language in Euskadi. All its inhabitants have the right to know and use both languages.
- (2) The common institutions of the Autonomous Community, taking into account the sociolinguistic diversity of the Basque Country, shall guarantee the use of both languages, controlling their official status, and shall effect and regulate whatever measures and means are necessary to ensure knowledge of them.
- (3) No one may suffer discrimination for reasons of language.
- (4) The Royal Academy of the Basque Language is the official advisory institution in matters regarding *Euskera*.

- (5) [The autonomous government may request the Spanish government to make treaties or agreements with other States where there are Basque speakers] with a view to safeguarding and promoting *Euskera*.

Basic Law of the Standardization and Use of Basque

Article 2:

The natural language of the Basque Country is Basque.

Article 5:

- (1) All the citizens of the Basque Country have the right to know and use the official languages, both orally and in written form.
- (2) The following fundamental language rights of the citizens of the Basque Country are recognized:
 - (a) The right to maintain relations in Basque or in Spanish orally and/or in writing with the Administration and any official organization or institution located in the Autonomous Community.
 - (b) The right to receive [education] or the right to be taught in both official languages.
 - (c) The right to receive in Basque publications, radio and television programmes and other means of communication.
 - (d) The right to develop professional, labour, political and union activities in Basque.
 - (e) The right to express oneself in Basque at any meeting.
- (3) The public authorities will guarantee the exercising of these rights, in the territorial area of the Autonomous Community, to ensure that they are both effective and real.

[The other articles elaborate these provisions. Note also:]

Article 8:

- (1) All official provisions... must be written in bilingual form for official publicity purposes.
- (2) All acts in which the public authorities ... take part ... must be written in both languages.
- (3) Notwithstanding that which is set out above, the public authorities may make exclusive use of Basque in the area of local administration, when, because of the socio-linguistic character of the area, the rights of citizens are not prejudiced.

Constitution of the Republic of the Philippines

Article XIV: Education, Science and Technology, Arts, Culture and Sports.

EDUCATION

Section 2. The State shall:

- (1) Establish, maintain and support a complete, adequate and integrated system of education relevant to the needs of the people and society.
- (4) Encourage non-formal, informal and indigenous learning systems.

Section 3.

(2) [All educational institutions] shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights ...

Section 4.

(1) The State ... shall exercise reasonable supervision and regulation of all educational institutions.

LANGUAGE

Section 6. The national language of the Philippines is Filipino. As it evolves, it shall be further developed and enriched on the basis of existing Philippine and other languages.

Subject to provisions of law and as the Congress may deem appropriate, the Government shall take steps to initiate and sustain the use of Filipino as a medium of official communication and as language of instruction in the educational system.

Section 7. For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English.

The regional languages are the auxiliary official languages in the regions and shall serve as auxiliary media of instruction therein.

Spanish and Arabic shall be promoted on a voluntary and optional basis.

Section 8. This Constitution shall be promulgated in Filipino and English and shall be translated into major regional languages, Arabic and Spanish.

Section 9. The Congress shall establish a national language commission composed of representatives of various regions and disciplines which shall undertake, coordinate, and promote researches for the development, propagation and preservation of Filipino and other languages.

ARTS AND CULTURE

Section 14. The State shall foster the preservation, enrichment and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression.

Section 17. The State shall recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national plans and policies.

Section 18.

(1) The State shall ensure equal access to cultural opportunities ...
[through the education system, grants, centers, etc.]

Article XVI: General Provisions

Section 10. The State shall provide the policy environment for the full development of Filipino capability and the emergence of communication structures suitable to the needs and aspirations of the nation and the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press.

Section 12. The Congress may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities.

Pagta of the Cordillera Bodong (December 1, 1986)

Article II.

Section 5. The Cordillera Bodong respects the autonomy and self-determination of the various peoples in the Cordillera while working towards consolidating tribal unity along ethnolinguistic lines.

Article VII.

Section 5. The Cordillera Bodong proposes a Federated Republic of the Philippines composed of a number of states corresponding to the multi-nation and multi-culture reality of the country in order to ensure the co-equality and unity of the various national and cultural communities.

Article IX

Section 3. The TFG [Tribal Federation Government] shall run the Tribal Federation's domestic affairs ... cultivate the native culture, and promote the official use of the tribes' common language.

[The Pagta does not designate official or working languages for the proposed administrative, legislative or judicial agencies etc.]
