

LANGUAGE, RIGHTS AND ETHNIC CONFLICTS IN ASIA

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Abstract: Linguistic or ethnic diversity do not inextricably lead to conflicts. On the contrary, there appear to be a number of common denominators that more often than not point the finger at the type of situations which contribute to the emergence of potential and eventual violent conflicts. Countries where state authorities have adopted discriminatory practices that result in the exclusion of or serious disadvantaging for a significant proportion of their population are those that are more likely to see the emergence of an ethnic conflict. As the case studies of Pakistan and Sri Lanka demonstrate, this can frequently take the form of discriminatory language policies. Language preferences by a Government, and the benefits connected with the choice of a language as medium of communication and employment within the apparatus of a State, can directly contribute to the eruption of conflict if these language preferences violate the prohibition of discrimination – and have serious negative consequences for large numbers of people in a country. Language is power, and the denial of ‘language opportunities’ can in some cases be considered violations of some human rights standards such as non-discrimination, and it is the denial of human rights such as this one that sets the scene for possible conflicts.

Key words: language policies and preferences, human rights, language rights, minorities, ethnic conflicts

1. INTRODUCTION

From the Philippines to Sri Lanka, Jerusalem to Djakarta, Asia – and much of the world – seems to be covered with the violence and anger of ethnic conflict. Most of the wars today are not wars between countries: they are ethnic conflicts, conflicts within a country and conflicts that involve an ethnic minority, usually linguistic or religious, against the national government of their country. Perhaps 70% of the world’s conflicts in the last 60 years are ethnic conflicts. Less than 10 of the 150 or so conflicts have been international. As the following will show, a high proportion of these happen because governments discriminate against minorities or indigenous peoples.

2. THE ROOT CAUSES OF CONFLICTS: NOT DIVERSITY

In every world region, minorities and indigenous peoples have been excluded, repressed and, in many cases, killed by their governments...(Lattimer, 2006)

One mistake which should not be made is confuse the existence of ethnic differences as a source of the tensions leading to conflict. In other words, it is clear one should not exaggerate the existence of ethnic groups as a problem in itself or a cause of these conflicts. Studies show that in fact the proportion of ethnic conflicts when you consider

the number of ethnic groups in a country is in fact extremely low: lower than 1% even in a wide ranging study covering some 36 African countries (Laitin & Fearon, 1996: 717).

Nor should it be assumed that ethnic conflicts are somehow a new or recent phenomenon. Throughout human history, there have been conflicts between human beings along the fault lines of religion, language, culture or colour of skin. It is undeniable that these conflicts have occurred throughout history: they are not a creation of the 20th century. This is rather self-evident when one considers the conquest, assimilation and extermination of indigenous peoples all over the world for the last five centuries, or the removal of the Moros, the Muslims from the Iberian peninsula, more than half a millennium ago. There are of course the destructive policies in Australia towards Aborigines, or recall that the Islamic population of Sudan has been trying to subdue, convert or starve to death the non-Muslim populations of the south of that country for hundreds of years. One could also consider the Irish resistance against the English that could be said to have started in the 11th Century and, in a way, is still continuing in Northern Ireland today.

Intolerance, fear of the other, attempts to cleanse one's territory of others who are different, have all long been part of the human condition. It is not a new phenomenon, just one which has become deadlier, not to say more thorough and effective with new technology in more recent times.

While ethnic conflicts are not a new development in historical terms, they have probably increased substantially in the last 100 years. The so-called "rise of nationalism" has a lot to do to with the rise of the state, and the more immediate and tangible – as well as often negative – consequences of this dramatic intrusion for many minorities.

3. THE RISE OF THE MODERN STATE, LANGUAGE PREFERENCES AND THE CONSEQUENCES FOR MINORITIES

It is here that the issues of conflicts, language and the human rights of minorities interconnect and are important to understand. No government is neutral in terms of its linguistic choices: in all of the world's countries, there are one or a few official languages, or languages which are used by government in its relations and services to the public. In those countries with ethnic conflicts, it is often the violation of human rights involving language that is at the core of the context of injustice, frustration and anger that lies at the centre of the tensions that eventually lead to conflict.

There is also often a misunderstanding as to the existence of certain human rights which have a significant impact in areas of language preferences. For example, it is often ignored that freedom of expression protects the private use of a language and that the prohibition of discrimination on the ground of language may, in certain conditions, require that a government use a minority language as a language of education and of work and service in the civil service where it is reasonable and justified, especially where you have a substantial, concentrated minority.

Language is therefore not just important culturally or symbolically: language is power. With language a Government can determine whether a minority is included or excluded

from political and economic power, and this is often one of the main factors leading to conflicts. Nationalist and separatist movements find support and even an ideological basis for their activism in perceived grievances that often involve language rights and issues. To put it in simple terms, violations of language rights based on freedom of expression and non-discrimination often provide the fuel that pushes the agendas of these movements.

The deep-laid sources of the conflicts in most Asian countries experiencing ethnic or minority tensions, countries such as Sri Lanka, Myanmar/Burma, Southern Thailand, Indonesia, the Philippines, China, Pakistan and many others, can be linked in the early periods to discriminatory practices in employment, education and other violations of minority rights as now understood in international law, often connected to language preferences. The next section will try to highlight a few examples how conflicts have ravaged parts of Asia because of the denial of the human rights of minorities, focussing through the lens of discriminatory language preferences.

4. LANGUAGE AND CONFLICTS IN ASIA: THE CASE OF PAKISTAN

The non-respect of human rights linked to the language preferences of the State, and the exclusion and disadvantage this caused for a huge proportion of the population of both Pakistan and Sri Lanka, directly led to the appearance of separatist movements in these two countries.

The creation of the State of Pakistan in 1947 was a strange entity: the new country was divided in two separate regions, East and West, on opposite sides of India. There were in addition to the physical distances much more that separated the two: though the two regions shared a Muslim majority population, there were linguistic and cultural differences, the more significant one being that while the vast majority of the East Pakistan population spoke Bangla, the West Pakistan population spoke Urdu, Pushtu, Punjabi and Sindhi. Even though East Pakistan had a slightly larger population, the country was administered from West Pakistan, including the army, police and civil service, tended to be dominated by West Pakistanis, despite Bengalis being in reality almost a majority. The trouble in what was then East Pakistan started in 1951-52 when the Pakistani Government declared that “Urdu and only Urdu” would become the national and official language.

While at first glance most people would assume that having a single official language might be a desirable, unifying factor, the effects of such a language preference in the context of Pakistan were far from positive. In truth, the population of East Pakistan was for the most part not fluent in Urdu, and therefore such a policy would have meant their virtual exclusion from various areas of public employment and positions, since perhaps 98% of the population in East Pakistan spoke a completely different language: Bangla.

It was this resistance to having only Urdu as an official language, and the sense of discrimination felt by almost the whole population of East Pakistan because of this language choice by the Pakistani government, which resulted in the creation of the Bangla Language Movement, and the real beginning of the move towards independence.

Very quickly, giving the extreme impact the announced language preference of the Government of Pakistan would have on nearly the whole population of East Pakistan, the attempt to make Urdu the exclusive official language for the entire country produced the first riots in Dhaka (the largest city in East Pakistan which would later become of capital of Bangladesh when it would eventually secede from Pakistan) and the first critical symbols for the movement towards eventual independence: on 21 February 1952, 12 students, protesting against the language policies were killed by the Pakistani army. This event galvanized the spirit and resistance of the Bengali people and led to what is a monument, the Shaheed Minar, the Martyrs' monument near Dhaka Medical College where these students were killed. This is also known as the Language Monument and commemorates the struggle for the Bangla language.

The 21st of February is also remembered as the **Language Movement Day** and is a national holiday in Bangladesh, proof of the significance of language issues in the conflict which led to that country finally seceding and becoming an independent country. There were other factors that led to resistance, violence, war and eventually independence, but the central role of language here is indisputable. In the 1971 national elections the political party which represented the Bengali people of East Pakistan, and the fight for the Bangla language won all the seats there and 167 out of the 313 seats at the national level, a clear majority. It should have formed the government of all Pakistan, but the President postponed the opening of the National Assembly. Riots and *hartals* (strikes) broke out in East Pakistan. The Pakistani army eventually went on a rampage throughout East Pakistan, burning down villages, looting shops and homes, and indiscriminately slaughtering civilians. While estimates vary widely, probably close to a million people died in the conflict. Eventually about 6 months, through the intervention of the Indian army, East Pakistan was to obtain its independence and become Bangladesh.

In terms of language and human rights, the attempt to make Urdu the exclusive national language was probably, if we were to analyse this today under international human rights law, discrimination on the ground of language in relation to individuals who were fluent in Bangla. It is discrimination because it would be unreasonable and unjustified, given that the Bangla-speaking population constituted around half of Pakistan's population, not to have the government use also the Bangla language, in addition to the national language Urdu, in government employment, state schools, the army and the police. More precisely, the impact of an Urdu-only policy in areas of state employment (army, police, civil service, etc.) would have meant exclusion of most Bengalis from employment opportunities since the vast majority of them lacked fluency in Urdu. In other words, the Urdu-only policy would have constituted discrimination by the government in practice in state employment, as well as in other areas such as state education.

This is an area still developing in international law, but language use by a government and the right of non-discrimination, the need for reasonable and justified language preferences by a government, would suggest that there must be some kind of "linguistic proportionality": when there is a sufficiently large linguistic group involved, there is a right to have their language used to an appropriate degree in the institutions and activities of the State, including employment and education (de Varennes, 2001) ^[1]

5. THE CONTINUING DRAMA IN SRI LANKA AND POWER

Sri Lanka contains many of the same ingredients as in the conflict involving the Bangla-speaking population of East Pakistan, though the Tamil-speaking population there represents a much smaller proportion of the total population of the country, about 18%.

At independence in 1948, the Sri Lankan Government was initially committed to having both Tamil and Sinhalese as official languages, but this was never implemented. Relying on the Sinhalese-speaking majority, the Government eventually adopted only Sinhalese as an official language along with English. A few years later, English was replaced in 1956 by another government more closely identified with the ethnic Sinhalese majority. This meant that English was officially removed completely as an official language, and only Sinhalese remained. In practical terms this meant that Tamils were being increasingly excluded from many if not most positions in the civil service of the country. Tamils thus began to be disadvantaged in jobs because of the linguistic preferences of the Government, since at the time – though that has changed to some degree today – few Tamils were fluent in Sinhalese.

While the Sri Lankan Government had arguably valid reasons to try to increase the status of the Sinhalese language, it in all likelihood moved too far for a number of decades and directly contributed to the tensions which eventually led to the emergence of the violent ethnic conflict there which is still not completely ended today – despite the seeming defeat of the Tamil Tigers.

As far as international human rights are concerned, the Constitution, laws and policies of the Sri Lankan Government which for a period of time made Sinhalese the only language of services and employment was most likely unreasonable and unjustified given the large number of speakers of Tamil and the consequences for them of the refusal to use officially their language. Thus, because of the large number of Tamil-speakers, parts of the Constitution and laws could possibly be described as discriminatory if one considers more recent pronouncements on what constitutes discrimination on the ground of language in international law.^[2]

The consequences of these discriminatory actions by state authorities over the years became increasingly obvious and serious for this ethnic minority: by the 1970s the Tamils were seriously under-represented in state civil service. If one adds to these Muslims who are mainly Tamil-speaking in Sri Lanka, as well as other Tamils known as ‘Plantation Tamils’, many of whom were not citizens even if they lived in the country for generations, the Tamil-speaking minority may even account for more than 20 percent of the population, though they currently occupy less than 8.5 of the civil service jobs in the country.

Proportion of Tamil- and Sinhalese-speaking government employees 1946-2004

	Sinhalese	Tamil
1946		
Civil Service	44.5%	20%
Judicial Service	46.7%	28.9%
1980		
Civil Service	85%	11%
2004 (est.)		
Civil Service	90%	8.5%

There were certainly other factors involved and other forms of discrimination: various schemes made it easier for Sinhalese students to be accepted to medicine and engineering at university than Tamil students; land and assistance was mainly allocated by the government to Sinhalese settlers in areas seen as Tamil; older Tamil employees of the government were fired or did not receive salary increases if they did not learn Sinhalese quickly enough, etc.

While at independence in 1948 Tamils sought initially specific minority guarantees in the Constitution (such as half the number of seats in Parliament or some other guarantees), there gradually emerged Tamil nationalist movements demanding some form of autonomy, and eventually segments of the Tamil population became convinced that there was no way one could trust the government controlled by the majority, and that therefore they had to have self-determination. For the more extreme elements, this was eventually to mean their own independent country. In other words, the violent ethnic conflict only emerged after 1956 because of anger and frustration caused by the government with policies that beached human rights, mainly non-discrimination as to language or race, in areas such as employment, education, and access to land. A new constitution in 1972 enraged the Tamil minority because it made Sinhalese the only official language. Before this constitutional change, the position of the Sinhalese language had only been stated in legislation: the confirmation of only Sinhalese as an official language in the Constitution became for some the last straw.

By the early 1970s, there was a movement of Tamils who became more extreme, because they felt that the Government was treating them as second-class citizens, as language and education policies in particular threatened their future. In 1972 the first Tamil “nationalist” movement appeared in reaction to the discriminatory language policies of the Government. The demands then were for laws and a constitution that reflected their concern at the growing 'Sinhalisation' of the government and the country, but they did not yet call for secession. The first calls for an independent country for the Tamils appeared in May 1976 with the Tamil United Liberation Front (TULF). The

violence had already appeared by then, and when the government started to change its language policies from about 1978 to start to remove some of the discriminatory measures, it was by then already too little too late.

There was some assassinations and attacks, but then in 1983 a small group of militant Tamils killed 13 Sinhalese soldiers. Riots broke out and in Colombo and other parts of the country groups of Sinhalese men killed perhaps 1000 Tamils in five days – five days during which the army and police did not seem to attempt to stop the massacre. Those riots radicalized most Sri Lankan Tamils who organized into an army and a full blown war erupted then, with as many as perhaps 70,000 people killed in the conflict. Only after five days did the President of the country go on television, and even then he did not express any regrets at the violence but seemed to blame the victims, the Tamils who were being killed, saying that the violence was the result of the cumulative indignation of the Sinhala people for all the years of oppression at the hands of the Tamils.

Even today, according to some reports, Tamil-speakers who are not fluent in Sinhalese are at a serious disadvantage in their dealings with the state in many parts of the country, and one could argue that this is still a degree of discrimination in some areas of government. Government language policies are not always implemented, and many public institutions issue forms in Sinhalese only or in Sinhalese and English.

6. THE LESSONS TO BE LEARNT: LANGUAGE, POWER AND HUMAN RIGHTS

The slide towards ethnic conflict and the growth of nationalist and separatist movements in Sri Lanka, as in Bangladesh were therefore clear: continued discrimination such as the Sinhalese-only rule and denial of the language rights of the Tamil-speaking population led to the civil war in Sri Lanka, as did the discriminatory consequences of leaning towards Urdu-only in Pakistan for the Bangla-speaking half of that country.

This is therefore the link between respect for the human rights of minorities and instability leading to conflicts in Asia and around the world. The violation of the human or language rights of minorities do not cause conflicts necessarily: they prepare the field however, which nationalist or separatist elements can exploit because of the long simmering anger and frustration caused by governments that are in breach of basic human rights norms in the area of the rights of minorities. It is generally when minorities are subjected to discrimination, denied freedom of expression, or are unable to use their language according to the proportionality principles by public authorities, that these movements gain strength and support to the point that an ethnic conflict may develop. Widespread discrimination, denial of rights in relation to language use, these were the factors which provided the deep-rooted sources of tension in conflicts such as Turkey, Sudan, Algeria, the Philippines and others around the world.

7. CONCLUSION

Once a conflict has started, it becomes extremely difficult to resolve, and complying with these rights may no longer be sufficient to turn the tide. But before violence has reached that level, before the communities have become distrustful, divided and

polarised, respect for these human rights in relation to language may be enough to maintain a peaceful, democratic society based on the rule of law, but without the “tyranny of the majority” as would have said Alexis de Tocqueville (Tocqueville, 1835).

Respecting linguistic diversity, implementing the linguistic human rights protected by freedom of expression and non-discrimination may help prevent the tensions which could escalate into threats to peace here in Asia and in other parts of the world. In order to have peace among humans, there must be *pax lingua*: a balanced and reasonable response to the reality of human linguistic diversity. As Mahatma Gandhi once wrote, “Minorities are entitled to the fullest justice” (Gandhi, 1921).

NOTES

[1] See for example F. de Varennes, “Language Rights as an Integral Part of Human Rights”, *MOST UNESCO Journal on Multicultural Societies*, (2001) Vol. 3, No. 1, pp. 15-25, Paris, France, available online at <http://www.unesco.org/most/vl3n1var.htm>.

[2] See the concluding views of the UN Human Rights Committee in J.G.A. *Diergaardt* (late Captain of the Rehoboth Baster Community) et al. v. *Namibia*, Communication No. 760/1997, U.N. Doc. CCPR/C/69/D/760/1997 (2000).

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[2] de Tocqueville, A. (1835, 1840) ‘Unlimited Power of Majority, And Its Consequences, Part II’, *Democracy in America*, Vol.1 & Vol.2, Chapter XV.

[3] Gandhi, M. (1921) “Hindu-Muslim Unity”, *Young India*, 11 May 1921, available at <http://www.gandhi-manibhavan.org/eduresources/article7.htm>

[4] Laitin, D. & Fearon, J.D. (1996) “Explaining Interethnic Cooperation”, *American Political Science Review*, December 1996: 715-35. at p. 717.

[5] Lattimer, Mark, Executive Director, Minority Rights Group International, January 2006, quoted at <http://www.irinnews.org/InDepthMain.aspx?InDepthId=9&ReportId=58604>

[6] UN Human Rights Committee (2000), *J.G.A. Diergaardt (late Captain of the Rehoboth Baster Community) et al. v. Namibia*, Communication No. 760/1997, U.N. Doc. CCPR/C/69/D/760/1997