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Who Governs Indigenous Languages? Linguistic Self-Determination and Mexico's 2026 Draft General Law on the Rights of Indigenous and Afro-Mexican Peoples

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Abstract. Mexico's 2026 Draft General Law on the Rights of Indigenous and Afro-Mexican Peoples proposes one of the most ambitious recent expansions of Indigenous linguistic rights in the country. This article examines whether that expansion moves beyond formal recognition toward effective linguistic self-determination. Using a critical legal-sociolinguistic policy analysis, the study codes the draft's provisions on language status, corpus planning, education, revitalization, territoriality, public services, media, digital technologies, and institutional implementation, and reads them against Mexico's existing linguistic-rights framework and scholarship on language policy and planning. The analysis identifies substantial innovations: community authority to develop alphabets and language institutions, official-language declarations in Indigenous territories, community linguist training, immersion-based revitalization, community education, and access to media and digital technologies. At the same time, the draft contains unresolved tensions. The most significant concern is an ambiguity between community authority over corpus planning and parallel state obligations to design and implement writing systems. Further difficulties arise from territorialized rights, unspecified institutional capacity, weakly quantified media duties, and the absence of a developed framework for Indigenous linguistic data sovereignty. The article argues that legal recognition becomes linguistic self-determination only when communities possess effective decision-making authority, portable rights, differentiated planning by vitality and variety, enforceable institutional duties, and control over the digital infrastructures through which languages increasingly circulate.

Keywords: Indigenous languages; linguistic rights; language policy and planning; linguistic self-determination; Mexico; glottopolitics

Resumen. La Propuesta de Iniciativa de Ley General de Derechos de los Pueblos Indígenas y Afromexicanos de 2026 plantea una de las expansiones recientes más ambiciosas de los derechos lingüísticos indígenas en México. Este artículo examina si dicha expansión supera el reconocimiento formal y avanza hacia una autodeterminación lingüística efectiva. Mediante un análisis crítico jurídico-sociolingüístico de política lingüística, se codifican las disposiciones de la propuesta relativas al estatus de las lenguas, planificación del corpus, educación, revitalización, territorialidad, servicios públicos, medios de comunicación, tecnologías digitales e implementación institucional. El análisis identifica innovaciones importantes, entre ellas la facultad comunitaria para desarrollar alfabetos e instituciones lingüísticas, la declaratoria de oficialidad en territorios indígenas, la formación de lingüistas comunitarios, la inmersión para la revitalización y el acceso a medios y tecnologías. Sin embargo, persisten tensiones sobre la autoridad para planificar el corpus, la territorialización de los derechos, la capacidad institucional, las obligaciones mediáticas poco determinadas y la falta de un marco explícito de soberanía sobre datos lingüísticos. Se sostiene que el reconocimiento jurídico sólo se convierte en autodeterminación lingüística cuando las comunidades cuentan con autoridad decisoria efectiva, derechos portables, planificación diferenciada, obligaciones institucionales exigibles y control sobre las infraestructuras digitales en las que circulan sus lenguas.

Palabras clave: lenguas indígenas; derechos lingüísticos; política y planificación lingüística; autodeterminación lingüística; México; glotopolítica

1. Introduction

Mexico's linguistic diversity has long existed in tension with a state history in which Spanish became the dominant language of public administration, schooling, prestige, and national

integration. Legal recognition has changed substantially over the last three decades, but recognition has not eliminated the material asymmetries that structure who can use an Indigenous language in a classroom, a hospital, a court, a government office, or a digital platform. The central policy problem is therefore no longer simply whether Indigenous languages are legally recognized. It is whether legal recognition reallocates authority, resources, and institutional obligations in ways that permit Indigenous peoples and communities to govern the reproduction and public life of their languages.

The scale and internal diversity of the Mexican linguistic landscape make that question especially important. The Instituto Nacional de Lenguas Indígenas (INALI) classifies the country's Indigenous linguistic diversity into 11 linguistic families, 68 linguistic groupings, and 364 linguistic variants; under the institutional cataloguing approach, those variants are recognized as national Indigenous languages (INALI, 2008, n.d.). This architecture is analytically significant because a statute that speaks of a language, a people, a territory, or a single writing system may operate very differently when applied to a continuum of local varieties, multilingual communities, urban Indigenous populations, heritage speakers, and speakers living outside historically associated territories.

Mexico's current statutory baseline is the Ley General de Derechos Lingüísticos de los Pueblos Indígenas (LGDLP), enacted in 2003 and last reformed in 2023. The LGDLP recognizes Indigenous languages and Spanish as national languages with equal validity in relevant contexts and establishes rights of use in public and private life (Cámara de Diputados del H. Congreso de la Unión, 2023). The constitutional reform of Article 2 published on 30 September 2024 substantially broadened the constitutional recognition of Indigenous and Afro-Mexican peoples and strengthened obligations concerning multilingual policy, intercultural and plurilingual education, public services, and the preservation and development of Indigenous languages (Diario Oficial de la Federación, 2024). The 2026 Draft General Law on the Rights of Indigenous and Afro-Mexican Peoples is intended to develop that constitutional mandate in a single general statute (Instituto Nacional de los Pueblos Indígenas [INPI], 2026a).

At the time of writing in August 2026, the text analyzed here is not enacted law. It is a consultation draft approved by the National Council of Indigenous Peoples as the basis for a nationwide consultation. The official consultation process contemplates regional assemblies and the incorporation of observations before presentation to Congress; the federal government has indicated an objective of presenting a strengthened initiative in October 2026 (INPI, 2026b,



2026d). The provisional legal status of the text is not a limitation for policy analysis. On the contrary, it creates an unusually valuable moment in which the sociolinguistic consequences of legislative design can be assessed before rules are stabilized.

The draft is noteworthy because it does more than restate a general right to use an Indigenous language. Articles 164–169 create a dedicated chapter on Indigenous languages; Articles 170–182 develop Indigenous, intercultural, and plurilingual education; Articles 227–231 address communication, broadcasting, telecommunications, and new information technologies; and other provisions link language to identity, public services, participation, cultural heritage, and institutional coordination (INPI, 2026a). Among other measures, the draft authorizes Indigenous peoples and communities to create language academies or community language-planning councils, develop and standardize alphabets, conduct sociolinguistic diagnoses, document endangered languages, and train community linguists. It also contemplates official-language declarations in Indigenous territories, immersion-based revitalization, community educational institutions, Indigenous-language media content, and advanced technological training.

These provisions create a conceptual shift from linguistic recognition toward language governance. The key question becomes: who has the authority to decide how an Indigenous language is written, taught, standardized, transmitted, represented, and institutionalized? That question sits at the intersection of language policy and planning (LPP), glottopolitics, Indigenous self-determination, and legal design. Scholarship in Mexico and elsewhere has repeatedly shown that formally protective language policies can be weakened by implementation gaps, standard-language ideologies, insufficient teacher capacity, territorial assumptions, or institutional practices that continue to privilege a dominant language (De Korne et al., 2019; Groff & Bellamy, 2020; Gutiérrez Estrada & Schecter, 2018; Paciotto, 2010). Research also shows that community-led, place-based, and self-determined language planning can create more sustainable revitalization spaces when it aligns institutional support with local linguistic authority (McCarty, 2014; Meighan, 2023).

This article therefore asks: To what extent does Mexico's 2026 Draft General Law transform formal recognition of Indigenous languages into effective linguistic self-determination, and to what extent does it reproduce state-centered, territorial, or standardizing forms of language governance? The article advances three arguments. First, the draft contains a genuinely expansive architecture for language revitalization and public use that should not be reduced to symbolic recognition. Second, its strongest provisions are accompanied by unresolved jurisdictional

ambiguities, particularly regarding corpus planning, territorial scope, and institutional delivery. Third, the draft would move closer to linguistic self-determination if it explicitly established community primacy in language planning, portability of core linguistic rights beyond territorial boundaries, differentiated implementation according to linguistic vitality and variation, measurable state duties, and community governance of linguistic data and digital infrastructures.

2. From Linguistic Rights to Linguistic Self-Determination

2.1. Language policy, planning, and glottopolitical power

Language policy is not limited to statutes that declare which languages are legal or official. It also includes the institutional rules, practices, ideologies, and resource allocations that shape who can use a language, where it can be used, what counts as a legitimate variety, and which forms acquire educational or administrative value. Classic LPP scholarship distinguishes among status planning, corpus planning, and acquisition planning. Status planning concerns the social and institutional functions assigned to languages; corpus planning concerns the forms of a language, including orthography, terminology, grammar, and standardization; and acquisition planning concerns the development and distribution of speakers through education and transmission (Cooper, 1989; Lo Bianco, 2004). These domains are analytically separable but practically interdependent. A language may have high formal status without trained teachers, or an elaborate orthography without institutional domains in which it can be used.

Contemporary LPP research has also moved away from the assumption that policy is made exclusively at the top. Ethnographic approaches emphasize that policies are interpreted, negotiated, resisted, and recreated across institutional layers (Hornberger et al., 2018; Hornberger & Johnson, 2007). Teachers, families, activists, community authorities, translators, media producers, and public servants can become de facto language policymakers. This is especially relevant to Indigenous contexts, where a formally plural legal system may coexist with bureaucratic routines organized around a dominant language.

A glottopolitical perspective adds a further dimension: language rules are also arrangements of power. Decisions about whether a variety is a language or a dialect, which alphabet should be taught, which terms are accepted in official documents, or which language can function as a medium of instruction are not purely technical. They distribute legitimacy and can strengthen or marginalize speakers. Avalos Huesca and Herrera (2026) argue that the Mexican educational context continues to reveal a distance between institutional recognition of linguistic diversity and

practices that privilege Spanish as the hegemonic language. In that sense, legal reform should be evaluated not only by the vocabulary of recognition but by whether it changes the institutional conditions that reproduce linguistic hierarchy.

The history of Indigenous bilingual education in Mexico illustrates this problem. Community and teacher initiatives in P'urhepecha contexts have demonstrated the possibility of maintenance-oriented bilingual education, including the use of P'urhepecha as a medium of instruction rather than merely as a transitional bridge to Spanish (Hamel & Francis, 2006; Groff & Bellamy, 2020). Yet scholarship also documents the persistence of policy-practice gaps, uneven teacher preparation, and educational models that nominally include Indigenous languages while leaving Spanish structurally dominant (De Korne et al., 2019; Gutiérrez Estrada & Schecter, 2018). The distinction between recognition and implementation is therefore not abstract: it is observable in the language actually used to teach mathematics, issue a medical instruction, receive testimony, complete an administrative procedure, or access a public service.

2.2. Community-based planning, variation, and self-determination

For endangered and minoritized languages, community authority is not merely a participatory preference; it is often a condition of effective revitalization. McCarty (2014) frames reclamation as a process in which Indigenous communities actively reconstruct intergenerational transmission and institutional space. Meighan's (2023) analysis of community-based Anishinaabemowin planning similarly emphasizes self-determined initiatives, immersion, and local agency in language-related decision making. Recent collaborative experiences in southern Mexico also show that revitalization outcomes depend on the quality of collaboration, community decisions, and the ability to align academic or institutional support with locally defined priorities (Pérez Ríos et al., 2026).

Community authority is particularly important in corpus planning. Standardization can expand literacy, educational materials, administration, and digital compatibility, but it can also elevate one variety and delegitimize others. Hornberger and Coronel-Molina (2004) show how orthographic and dialectal disputes can complicate Quechua revitalization. Ennis (2020) describes how standardized Kichwa used in formal institutions may be experienced by speakers as an imposition on regional varieties. Wroblewski (2012) likewise demonstrates that ethnolinguistic unification can generate new internal distinctions and political effects. The relevant question is therefore not

whether standardization is good or bad in itself, but who controls it, for which functions, with what procedures, and how variation is protected.

This article uses the term linguistic self-determination to describe a legal and institutional condition in which Indigenous peoples and communities possess effective authority to decide the goals, norms, transmission strategies, and public uses of their languages, while the state bears enforceable duties to provide resources, access, and institutional accommodation. The concept does not imply linguistic isolation or the exclusion of Spanish. It requires that multilingualism be organized without making Indigenous languages dependent on discretionary state benevolence or on a single external standard. It also entails the possibility of different local choices: one community may prioritize immersion, another adult reclamation, another bilingual schooling, another documentation of an endangered variety, and another digital media.

International Indigenous-rights standards support this orientation. The United Nations Declaration on the Rights of Indigenous Peoples recognizes Indigenous peoples' rights to revitalize, use, develop, and transmit their languages and to establish and control educational systems and media in their own languages (United Nations, 2007, arts. 13, 14, 16). ILO Convention No. 169 calls for educational measures developed in cooperation with Indigenous peoples, including teaching children to read and write in their own Indigenous language or the language most commonly used by their group where practicable, and for measures to preserve and promote Indigenous languages (International Labour Organization, 1989, arts. 27–28). These standards do not dictate a single model of planning, but they support a movement from protection toward collective authority and institutional responsibility.

3. Materials and Method

The study employs a critical legal-sociolinguistic policy analysis. The primary corpus is the June 2026 consultation draft of the *Propuesta de Iniciativa de Ley General de Derechos de los Pueblos Indígenas y Afromexicanos* (INPI, 2026a). The analysis focuses on provisions with direct or substantial linguistic effects, especially Articles 12–15 (identity and ethnolinguistic criteria), 164–169 (Indigenous languages), 170–182 (Indigenous, intercultural, and plurilingual education), and 227–231 (communication, broadcasting, telecommunications, and information technologies). Related provisions concerning public services, cultural heritage, participation, health, and institutional coordination were used contextually when necessary.

The draft was read comparatively against three normative baselines: the LGDLPI, the 2024 constitutional reform to Article 2, and relevant international Indigenous-rights instruments. The comparison is not a conventional doctrinal hierarchy analysis. Its purpose is to identify what the draft adds, how it operationalizes existing rights, and where its institutional design creates ambiguity or under-specification. Official INPI communications concerning the 2026 consultation were used only to establish the procedural status of the proposal at the time of writing (INPI, 2026b, 2026c, 2026d).

The text was coded deductively and iteratively across eight analytical dimensions: (1) status planning and officiality; (2) corpus planning and standardization; (3) acquisition planning and education; (4) revitalization and intergenerational transmission; (5) governance and allocation of decision-making authority; (6) territoriality and portability of rights; (7) institutional implementation, including staffing, financing, and accountability; and (8) media, digital technologies, and linguistic data. These categories combine conventional LPP distinctions with governance questions that are especially relevant to Indigenous linguistic self-determination.

The analysis is qualitative and interpretive. It does not evaluate the consultation process empirically, measure language vitality, or claim to predict the effects of a statute that has not yet been enacted. Instead, it evaluates the policy architecture contained in the draft and identifies implementation risks that can be inferred from the text in light of established sociolinguistic research. This distinction is important: the article assesses legislative design, not the intentions of the institutions or communities participating in the consultation.

Table 1. Analytical dimensions used to evaluate linguistic self-determination

Dimension	Core question	Illustrative provisions
Status planning	What public and legal functions are assigned to Indigenous languages?	Arts. 165–168
Corpus planning	Who controls alphabets, writing systems, grammars, terminology, and standardization?	Arts. 167, 180
Acquisition planning	How are speakers, teachers, and literacies developed?	Arts. 170–182
Revitalization	How are endangered languages and intergenerational transmission addressed?	Art. 169
Governance	Which decisions belong to communities, state institutions, or shared bodies?	Arts. 167–169, 174–180
Territoriality	Are rights tied to territory, institutions, or the person as a speaker?	Arts. 165, 175, 168
Implementation	Are duties measurable, funded, staffed, monitored, and remediable?	Arts. 168, 176–181, 230–231

Digital domains	How are media, connectivity, AI, and linguistic data governed?	Arts. 227–231
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Note. Article numbers refer to the 2026 consultation draft analyzed in this study (INPI, 2026a).

4. The Draft's Linguistic Architecture

The 2026 draft creates a layered linguistic regime rather than a single declaratory rule. At the level of identity, Article 12 introduces an ethnolinguistic criterion that considers Indigenous language, linguistic variants, and common cultural elements among the factors used to identify Indigenous peoples. Article 13 recognizes historical continuity through possession of Indigenous languages whether they remain in current use or are understood as heritage languages. This latter formulation is significant because it avoids making current fluency a necessary condition of Indigenous identity. It recognizes the consequences of language shift and creates conceptual room for reclamation by communities whose language transmission has been interrupted.

The dedicated language chapter begins with Article 164, which defines Indigenous languages and situates them historically. Article 165 grants Indigenous peoples, through regional decision-making bodies, the power to declare Indigenous languages official in their territories, with the same validity as Spanish. It also recognizes individual rights to acquire, transmit, learn, know, use, and be educated in the respective Indigenous language. Article 166 extends language use to relations with the state, particularly justice, education, health, and government programs, and directs public institutions in Indigenous regions to employ, preferably, speakers of the corresponding language and linguistic variant.

Article 167 is the strongest community-governance provision in the language chapter. It authorizes Indigenous peoples and communities to design, standardize, and promote alphabets; prepare grammars, dictionaries, methodologies, and teaching resources; create Indigenous-language academies or community language-planning councils; train Indigenous professionals; design sociolinguistic censuses and diagnoses in their own languages; research and document their languages; promote them beyond the areas where they are spoken; and identify culturally significant concepts, words, or phrases. This provision is notable because it places many classic corpus- and status-planning functions inside the sphere of Indigenous collective authority.

Article 168 then assigns obligations to the federation, states, municipalities, and Mexico City boroughs, in coordination with Indigenous peoples and communities. These include guaranteeing Indigenous languages as official languages, ensuring access to public administration in Indigenous languages with an intercultural perspective, and supporting promotion where the languages are not



spoken. Article 169 establishes differentiated attention for languages or variants at very high risk of disappearance. It includes documentation with speaker participation, creation of linguistic databases, training of community linguists, total-immersion activities for children, pedagogical strategies to form new speakers, financing, public awareness, and coordination with specialized institutions.

The education chapter extends the architecture. Article 170 recognizes Indigenous, intercultural, and plurilingual education and participation in the design of educational models; Article 174 states that Indigenous languages should function as media of communication, construction and expression of knowledge, vehicles of instruction, and subjects of study. It further contemplates linguistic competence by school personnel, culturally and linguistically relevant materials, and adaptation of school schedules to community practices. Article 175 makes the use and teaching of Indigenous languages compulsory in schools located in Indigenous territories, on conditions of equity with Spanish. Articles 178 and 179 recognize community educational institutions and local and regional language policies aimed at intergenerational transmission. Articles 180–182 assign broad educational obligations to the state, including writing systems, literacy, professional training, community education, and educational materials.

Finally, the media and technology chapter expands language domains beyond school and administration. Articles 227–230 recognize Indigenous media, communication systems, access to spectrum and public media, production of content in Indigenous languages, internet connectivity, and participation in public communication policy. Article 229 even includes advanced training in information technologies, public digital infrastructure, artificial intelligence, and quantum computing. The cumulative effect is an unusually broad conception of linguistic rights that reaches status, corpus, education, revitalization, media, and technology. The analytical issue is therefore less whether the draft recognizes languages and more how these multiple powers and duties fit together.

5. From Recognition to Governance: Six Unresolved Tensions

5.1. Officiality and the problem of legal added value

Article 165's authority for Indigenous peoples to declare their languages official in their territories is symbolically and institutionally important. It makes officiality something Indigenous collectivities can affirm through their own decision-making structures rather than a status conferred exclusively by the central state. In that respect, the provision is consistent with a self-

determination approach. It may also strengthen demands for bilingual administration, signage, records, public communication, education, and local services.

At the same time, the draft must coexist with the LGDLPI, which already recognizes Indigenous languages and Spanish as national languages with equal validity. The relationship between national-language status and newly declared territorial officiality is not fully specified. Without a clear articulation, officiality risks becoming either redundant or unevenly interpreted. A municipality could treat officiality as merely ceremonial, while a community could reasonably understand it as triggering concrete duties concerning staffing, documentation, and service delivery.

A stronger statute would define the institutional consequences of officiality. These could include a right to initiate and complete administrative procedures in the Indigenous language; availability of key forms and notices; bilingual or multilingual public signage where locally determined; language-access duties in health and justice; and a gradual staffing plan. Such consequences should not depend exclusively on the discretionary capacity of a local office. Status planning becomes meaningful when the functions associated with status are specified and resourced (Cooper, 1989; Rousseau & Dargent, 2019).

Article 166 illustrates the problem. It directs institutions in Indigenous regions to employ, preferably, speakers of the corresponding language and variant. The word preferably is less demanding than the substantive right the chapter seeks to guarantee. Linguistic access is difficult to secure through an aspirational staffing preference alone. If the statutory objective is effective access, implementation requires workforce mapping, recruitment incentives, professional language certification developed with communities, interpreter and translator systems, and timelines for offices where linguistic demand is substantial.

5.2. Corpus planning: community authority or shared jurisdiction?

The most consequential internal tension appears between Articles 167 and 180. Article 167 gives Indigenous peoples and communities the power to design, standardize, and promote their alphabets and to elaborate grammars, dictionaries, methods, strategies, and resources. It also recognizes language academies and community language-planning councils. This is an unusually clear recognition of community corpus-planning authority.

Article 180, however, states that the federation, states, municipalities, and Mexico City boroughs, in coordination with Indigenous peoples and communities, have the obligation to design and

implement the alphabets and writing systems of Indigenous languages. The phrase in coordination with is important and prevents the provision from being read as unilateral state authority. Nevertheless, the coexistence of the two provisions leaves a jurisdictional ambiguity: if a community council and a state educational authority disagree over an orthography, who has the final decision? Does the state design a system jointly, technically assist a community decision, or approve a community-developed norm before it can be used in schools?

This is not a minor drafting question. Orthography can become a site of social and political conflict. Research on Quechua shows that alphabet choices can index competing identities, institutions, and ideologies, while rejection of linguistic variation can weaken revitalization efforts (Hornberger & Coronel-Molina, 2004). Ennis (2020) demonstrates that institutional standardization can be perceived as an imposition when a standardized variety displaces local forms. Wroblewski (2012) shows that standardization projects can generate new ethnolinguistic boundaries even when they are designed to produce unity.

Mexico's own official classification intensifies this concern because INALI distinguishes 364 variants and gives those variants national-language recognition. A single standardized writing system may be useful for some languages and undesirable for others; even a shared orthography may need flexible conventions across local varieties. Legal design should therefore protect variation as an object of policy, not treat it as a problem to be eliminated. The relevant criterion should be functional adequacy and community legitimacy rather than convergence toward one written norm.

A simple legislative clarification could substantially improve the draft: corpus-planning decisions should belong primarily to Indigenous peoples and communities, through the representative linguistic institutions they determine, while state authorities should have duties of technical assistance, financing, educational adaptation, interoperability, and recognition. Shared technical work is valuable; final normative control should not migrate to the institution that finances or implements materials. This would align corpus planning with the broader principle of linguistic self-determination.

5.3. Territory, mobility, and the portability of linguistic rights

A second tension concerns territoriality. Several of the draft's strongest rights are explicitly linked to Indigenous territories or institutions located in Indigenous regions. Article 165 refers to official languages in Indigenous territories; Article 166 directs staffing expectations toward institutions

with a presence in Indigenous regions; and Article 175 makes the use and teaching of Indigenous languages mandatory in schools located in Indigenous territories. Territorial grounding is understandable because language, collective life, land, and local governance are often deeply connected.

Yet contemporary Indigenous linguistic life is also mobile and translocal. Migration to cities, agricultural regions, border zones, and the United States has created communities of speakers far from the territories historically associated with their peoples. The federal government's own 2026 consultation activities included Indigenous migrant communities in the United States, reflecting the practical reality of transnational Indigenous citizenship and language needs (INPI, 2026c). A territorial model can therefore produce an unintended asymmetry: a speaker may enjoy stronger statutory language guarantees in a municipality classified as Indigenous than in a city where a large community of speakers resides.

The draft partly mitigates this problem. Article 168 requires access in an Indigenous language to public administration and calls for promotion where languages are not spoken, while other provisions address migrants and public services. Nevertheless, the operative architecture remains strongly place-based. A linguistic-rights statute should distinguish between collective territorial rights and portable personal rights. Collective officiality, signage, local language policy, and community educational institutions may appropriately be territorial. Core rights to interpretation, public-service access, identity documentation, health information, and education for a sufficiently concentrated population should travel with speakers.

This distinction would also protect heritage speakers and people affected by language shift. Article 13 commendably recognizes Indigenous languages as heritage even where they are no longer in active use. A territorial rule should not prevent descendants living elsewhere from participating in reclamation programs, digital learning, community archives, or cultural transmission. Language revitalization increasingly operates through dispersed networks, not only contiguous speech territories.

5.4. Educational ambition and the recognition–implementation gap

The education provisions are among the most ambitious parts of the proposal. The draft does not reduce Indigenous languages to optional subjects. Article 174 positions them as media of communication, means for constructing and expressing knowledge, vehicles of teaching, and subjects of study. Article 175 places their use and teaching on conditions of equity with Spanish

in schools in Indigenous territories. Article 178 recognizes community institutions and requires educators in those institutions to have command of the relevant language and knowledge of the community's culture. Article 179 explicitly recognizes local and regional language policies for intergenerational transmission.

These provisions respond to a persistent problem identified in the literature: nominally bilingual education can remain structurally Spanish-dominant when the Indigenous language is confined to a class period or is used mainly as a bridge to Spanish. De Korne et al. (2019) describe the long exclusion of Indigenous languages from formal educational spaces and the need to create ideological and implementational space. Gutiérrez Estrada and Schecter (2018) show that educators can actively reinterpret policy in ways that support Indigenous languages, but also encounter inconsistencies and institutional constraints. Hamel and Francis (2006) and Groff and Bellamy (2020) demonstrate that stronger bilingual models become possible when the Indigenous language is used for substantive instruction and literacy rather than symbolic inclusion.

The draft therefore moves in the right pedagogical direction, but it raises a capacity problem. Article 174 contemplates school personnel who can listen, speak, read, and write in the Indigenous language. For many languages and local variants, the number of available teachers with both pedagogical qualifications and high literacy in the community language is limited. The legal response should not be to weaken the right. It should be to create a staged implementation architecture: community-based teacher recruitment, paid professionalization pathways, recognition of community educators, language-proficiency and pedagogical certification designed with speakers, production of materials across variants, and incentives for service in underserved regions.

The financing clauses also matter. Some educational guarantees are expressly conditioned by applicable budgetary provisions. Budget realism is unavoidable, but rights phrased without minimum implementation benchmarks can be postponed indefinitely. The statute should therefore require multi-year implementation plans, publicly reported indicators, and differentiated targets by language vitality, number of speakers, geographic distribution, and existing institutional capacity. The objective is not identical services for every language on the same timetable; it is transparent and progressive realization with communities able to see what has been promised, funded, and achieved.

The recognition–implementation gap is thus the central risk. A law can declare language equity while teachers continue to work without materials, hospitals continue without interpreters, and

public offices continue to process all documentation in Spanish. Effective linguistic rights require institutional engineering. The draft supplies many substantive commitments but should more clearly connect them to personnel, budgets, timelines, monitoring, and remedies.

5.5. Endangered languages: a strong community-centered design with one missing safeguard

Article 169 deserves particular recognition. It differentiates languages or variants at very high risk of disappearance and authorizes a set of measures that align closely with contemporary revitalization practice: speaker participation in documentation, linguistic databases, community linguist training, child immersion, oral transmission, pedagogical materials, financing, awareness, and institutional collaboration. This is much more sophisticated than a generic obligation to preserve languages.

The emphasis on community linguists is especially important because it can redistribute expertise. Linguistic documentation has historically been conducted by external specialists who may produce valuable scientific records without necessarily expanding community capacity. Training community members as linguists, teachers, archivists, and researchers can create a durable local infrastructure for planning. Community-based revitalization scholarship supports precisely this movement from research on communities toward work led by or accountable to communities (McCarty, 2014; Meighan, 2023; Pérez Ríos et al., 2026).

The missing safeguard is explicit governance over the products of documentation. Article 169 refers to creating a data bank, while the draft's heritage provisions provide broader protections for collective cultural property. Yet linguistic data have distinctive risks: recordings, transcriptions, lexicons, sacred vocabulary, speech corpora, and annotated datasets may later be reused in commercial language technologies, artificial intelligence, or research without the governance conditions originally contemplated. A revitalization statute should therefore state that linguistic documentation, databases, and digital corpora created under public programs are governed according to community-determined access, consent, attribution, benefit-sharing, and reuse rules. This point is increasingly urgent because documentation is no longer simply an archive. A sufficiently large corpus can become training data. Once a language enters speech recognition, machine translation, or generative systems, questions of ownership, control, error, cultural restriction, and commercial benefit become unavoidable. Linguistic self-determination in the twenty-first century therefore includes data governance.

5.6. Media, artificial intelligence, and the next frontier of linguistic inequality

Articles 227–231 extend language policy into communication and digital infrastructure. They recognize Indigenous communication systems, the right to acquire and operate media, preferential access to spectrum, production and distribution of content in Indigenous languages, broadband and fiber-optic access, and participation in public communication policy. Article 229 additionally contemplates advanced training in information technology, public digital infrastructure, communication, artificial intelligence, and quantum computing.

This is forward-looking, but the technology language is more developed as access policy than as linguistic-technology policy. Access to broadband is indispensable, yet digital language equality also depends on whether a language can be typed, searched, recognized by speech systems, synthesized, translated, moderated, and represented in interfaces. Low-resource languages face a structural disadvantage because the commercial value of building such systems is often judged too small, while available datasets may be fragmented or inaccessible.

The draft also states that a percentage of state-media transmission should occur in Indigenous languages and include content produced by Indigenous peoples and communities. The obligation is valuable, but the percentage is unspecified. A future regulation could transform this into a measurable standard, ideally co-designed regionally rather than imposed as a single national quota. The relevant measure may differ by audience, station, linguistic density, and the number of languages in a service area.

A digital chapter consistent with linguistic self-determination would add at least four elements. First, public investment in open and community-governed digital resources for Indigenous languages, including fonts, keyboards, spell-checking, text-to-speech, speech recognition, and translation where communities prioritize them. Second, requirements that public digital services support Indigenous-language interfaces and accessibility in regions of substantial demand. Third, community governance over publicly financed linguistic datasets, with safeguards against unauthorized commercial extraction. Fourth, evaluation of automated systems for error and discrimination when used in public services involving Indigenous-language speakers. The draft opens the door to these questions; it does not yet resolve them.

Table 2. Principal strengths, risks, and possible legislative clarifications

Area	Draft strength	Policy risk	Possible clarification
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Officiality	Communities may declare Indigenous languages official in their territories.	Unclear institutional consequences and overlap with national-language status.	Define minimum service, documentation, staffing, and signage consequences of officiality.
Corpus planning	Communities may design/standardize alphabets and create language-planning councils.	Parallel state duty to design and implement writing systems creates authority ambiguity.	Establish community primacy; state role should be support, financing, interoperability, and recognition.
Territoriality	Strong territorial basis for collective language policy.	Urban, migrant, and dispersed speakers may receive weaker practical guarantees.	Distinguish collective territorial rights from portable personal language-access rights.
Education	Indigenous languages as media of instruction and knowledge; community education recognized.	Teacher, materials, and budget capacity may lag behind the right.	Require staged implementation plans, community educator pathways, and public indicators.
Revitalization	Immersion, community linguists, documentation, financing, and differentiated attention.	Linguistic databases may be reused without community governance.	Add Indigenous linguistic data sovereignty, consent, access, attribution, and benefit-sharing rules.
Media/digital	Spectrum, connectivity, Indigenous-language content, AI training.	Unspecified transmission percentage and no detailed language-technology obligations.	Set co-designed measurable media standards and public investment in community-governed language technologies.

Note. The proposed clarifications are analytical recommendations of this study and are not part of the current draft.

6. Discussion: A Legislative Test for Linguistic Self-Determination

The draft should be evaluated neither as a failed project because implementation difficulties remain nor as a complete solution because its rights language is expansive. Its significance lies precisely in the transition it attempts: from a framework centered on recognition of Indigenous linguistic diversity toward an architecture in which Indigenous peoples and communities can exercise language-planning functions. The strongest provisions recognize that communities can create language institutions, formulate local policy, train speakers and specialists, govern community education, and expand their languages into media and technology.

This movement is consistent with a broader shift in LPP from top-down state engineering toward layered, negotiated, and community-centered policy. Ethnographic LPP scholarship demonstrates that policy effectiveness depends on the actors who interpret and enact rules within schools, families, workplaces, media, and public institutions (Hornberger et al., 2018). Community-based planning similarly shows that local agency is not an optional implementation strategy but a central source of policy legitimacy and sustainability (Meighan, 2023). The 2026 draft incorporates much of this insight, even though it does not use that theoretical language.

The principal weakness is that the text does not always distinguish clearly between state responsibility and state authority. The state must remain responsible for financing, equal access,



training, public-service capacity, connectivity, anti-discrimination measures, and the adaptation of national systems. But responsibility to enable a right does not necessarily imply authority to determine linguistic norms. The corpus-planning ambiguity between Articles 167 and 180 illustrates this distinction. A self-determination model would place substantive linguistic decisions with the Indigenous institutions designated by the community while assigning the state a duty to recognize and implement those decisions wherever legally and technically possible.

A second design principle is differentiation. Mexico's Indigenous languages occupy radically different sociolinguistic conditions. Some have large speaker populations and significant intergenerational transmission; others are severely endangered; some have well-established orthographies and educational materials; others have competing standards or limited documentation; some are concentrated geographically, while others are dispersed by migration. Uniform formal equality may therefore reproduce inequality. Article 169 already recognizes differentiated measures for languages at very high risk. That logic should extend across education, public services, digital development, and financing.

A third principle is portability. Territory is indispensable to collective self-government, but not every linguistic right should end at a territorial boundary. Health care, justice, identity documentation, consular services, and access to essential public information are rights attached to people. A portable core would be particularly important for migrant workers, urban Indigenous communities, and families raising heritage-language learners outside their communities of origin. Territorial officiality and portable personal rights are complementary, not competing, concepts.

A fourth principle is enforceability. The draft contains strong verbs—guarantee, ensure, finance, promote, recognize—but many obligations will depend on secondary regulation and institutional planning. The law would be strengthened by requiring responsible agencies to publish implementation plans with indicators such as the availability of bilingual personnel, number and type of educational materials, coverage of interpretation services, Indigenous-language media hours, connectivity, and revitalization activities. Indicators should be designed with communities and should not reduce vitality to a single numerical scale. Their purpose is accountability: to make visible whether legal commitments change institutions.

A fifth principle is digital sovereignty. Language policy can no longer be confined to schools and government counters. Algorithms increasingly mediate public information, employment, education, banking, health, and cultural circulation. If Indigenous languages remain absent from digital systems, formal officiality may coexist with a new form of technological exclusion.



Conversely, indiscriminate extraction of community language data can produce another asymmetry, in which Indigenous speech becomes a commercial resource without corresponding community control. A modern language-rights statute should therefore treat data governance and technological inclusion as components of linguistic self-determination.

These principles also help distinguish linguistic self-determination from a romanticized idea of linguistic purity. Indigenous communities are multilingual; many speakers value Spanish and other languages alongside their Indigenous language. The objective is not to insulate languages from contact. It is to remove structural conditions in which only the dominant language is institutionally usable. Sociolinguistic justice is compatible with bilingualism, translanguaging, mobility, borrowing, and language change. What it resists is the conversion of those processes into a one-way expectation that Indigenous speakers adapt while institutions remain monolingual.

The draft's future will also depend on the consultation process. Because the text is being discussed before its presentation to Congress, communities can challenge precisely the ambiguities identified here and propose alternatives grounded in specific linguistic realities. The most valuable outcome would not be a statute that attempts to prescribe one national language model. It would be a statute that establishes a strong rights floor, allocates resources, protects collective authority, and permits differentiated community language regimes to develop within a shared constitutional framework.

7. Conclusions

Mexico's 2026 Draft General Law on the Rights of Indigenous and Afro-Mexican Peoples represents a substantial development in the legal architecture of Indigenous linguistic rights. It recognizes languages not merely as cultural objects to be preserved but as media of government interaction, education, knowledge production, community planning, public communication, and digital participation. Particularly important are the powers to create community language-planning institutions, conduct sociolinguistic diagnoses, train community linguists, implement immersion-based revitalization, establish community education, and participate directly in media and technological development.

The analysis nevertheless identifies six areas in which the draft's transformative potential remains incomplete: the uncertain legal consequences of officiality; ambiguity over corpus-planning authority; territorial limits on otherwise portable language rights; a likely recognition–implementation gap in education and public services; insufficiently explicit governance of

linguistic data; and under-specified obligations in media and digital technologies. None of these problems requires abandoning the draft's model. They require clarifying it.

The central legislative principle should be simple: the state is responsible for guaranteeing linguistic rights, but Indigenous peoples and communities should be the primary authorities over the linguistic choices through which those rights are exercised. That distinction would preserve public responsibility while preventing state support from becoming state control. It would also allow policy to respond to the actual diversity of 364 recognized variants rather than presuming a one-language, one-territory, one-standard model.

Linguistic self-determination is achieved when a community can decide how its language is written, taught, transmitted, revitalized, represented, and digitally governed, and when public institutions possess clear obligations and resources to make those decisions effective. If the consultation and legislative process moves the 2026 draft in that direction, Mexico could create a framework that does more than recognize linguistic diversity: it could redistribute the authority required for Indigenous languages to remain living, changing, public, and future-oriented languages.

8. Declarations

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