



**UPDATE ON THE LANGUAGES LEGISLATION
INITIATIVE**



Background

On December 6th, 2016, Prime Minister Justin Trudeau announced that the Government of Canada would jointly develop legislation for the revitalization and recovery of Indigenous languages:

We know all too well how residential schools and other decisions by governments were used as a deliberate tool to eliminate Indigenous languages and cultures. If we are to truly advance reconciliation, we must undo the lasting damage that resulted.

So today, I commit to you that our government will enact an Indigenous Languages Act, co-developed with Indigenous Peoples, with the goal of ensuring the preservation, protection, and revitalization of First Nations, Métis, and Inuit languages in this country.



Background

On June 14th, 2017, Canada/AFN/ITK/MNC agreed to a Statement of Co-development Principles. All parties agreed to:

- Co-develop legislation that addresses the revitalization, recovery, preservation, protection, maintenance and promotion of First Nations, Inuit and Métis languages, through two mechanisms: a joint co-development working group to discuss issues of common concern, and bilateral working groups between Canada and each respective National Indigenous Organization, to address issues that are specific to each cultural group.
- Co-develop legislation in a way that supports the full and meaningful implementation of the Truth and Reconciliation Commission (TRC) Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples, and the federal government's commitment to a nation-to-nation, government-to-government, or Inuit-Crown relationship.



Background

- Co-develop legislation that recognizes First Nations, Inuit and Métis language rights and jurisdictions, and that recognizes that Indigenous languages are fundamental to Indigenous self-determination. Such legislation would, among other things, further affirm and address the right of Indigenous peoples to revitalize, use, develop and transmit their languages to future generations, including through the control of their educational systems and institutions.



Engagement Sessions Report - Goals

- As a result of AFN ILI Engagement Sessions in 2017, a report was produced which summarized the outcomes of the discussions. Legislation must support the rebuilding of all Indigenous languages, from recovery, reclamation, revitalization, and maintenance, back to normalization.
- Resolution no. 77/2017, “Support for Co-development Work on Indigenous Languages Act” was passed at the AFN SCA, Dec. 2017
- The Resolution endorsed the Engagement Report and set of principles developed in connection to the contents of the report.



AFN Principles Endorsed by SCA Based on Engagement Report

1. Recognition of the importance of Indigenous language to land, culture, traditional knowledge, worldview, participation in the economy, and domestic and global relations.
2. Acknowledgement of the need and importance of redress of harm by colonization, destructive policies and laws.
3. Affirmation of commitment to Truth and Reconciliation Commission Calls to Action, UN Declaration of Rights of Indigenous Peoples, and other key human rights instruments and principles
4. Affirmation of the various approaches to languages recovery, revitalization and maintenance, and the critical role of education/lifelong learning in the opportunities for language learning
5. Articulation of objectives for the protection and support of Indigenous languages and related rights, including intellectual property rights, cultural appropriation, etc.



AFN Principles Endorsed by SCA Based on Engagement Report, cont'd.

6. Affirmation of First Nations jurisdiction over First Nations languages.
7. Articulation of enforceable individual and collective rights.
8. Articulation of specific federal obligations, duties and authorities to protect and support Indigenous languages including funding.
9. Acknowledge of the need for proficient First Nations controlled systems and capacities for the archiving of, and for the provision of access to, language data
10. Authorities to establish suitable institutions to advance First Nations languages objectives and rights, that such institutions will not displace existing First Nations institutions
11. Establishing annual reporting and a five year review requirements



Co-Development Working Group Process

MANDATE

- Work collaboratively, transparently and on a distinctions-basis to co-develop national First Nations, Inuit and Métis languages legislation whose content will reflect the distinct geographic, political, legislative and cultural contexts impacting language revitalization, recovery, preservation, protection, maintenance, and promotion .

The co-development process will include the following activities:

- Preparing and developing content for documents for the development and introduction of the First Nations, Inuit, and Métis languages legislation;
- Preparing draft legislative content for inclusion in languages legislation;
- Providing advice on policy, program, and services issues related to First Nations, Inuit, and Métis languages which would be addressed through legislation;
- Providing advice on funding requirements related to First Nations, Inuit, and Métis languages.



Co-Development Working Group Consensus

KEY PRINCIPLES

1. The intent is to develop legislation that includes common and overarching legislative content as well as three distinct Inuit, First Nations, and Métis sections to meet the distinct legislative and policy needs of each language group within diverse geographic, political, and cultural contexts.
2. A ‘pan-Aboriginal’ approach was not seen as appropriate given the significant differences in the state and readiness of languages depending on: distinction; geographic area; measures already in place (such as territorial Official Languages Acts); and the existence of Language Commissioners and Commissions. It is the intent that the legislation would need to support or be consistent with these measures that are already in place in some jurisdictions.
3. The intent of the legislation is to address Indigenous languages as core to Indigenous peoples identities, their spiritual beliefs, their relationships to lands, their worldviews and their cultures. The Act should acknowledge and advance these fundamental tenets.



Co-development Working Group Consensus

4. The intent of the legislation is to acknowledge the harms against Indigenous languages and cultures through government laws, policies and actions. Cultural continuity, healing, reconciliation, and federal government support should be among the objectives of the legislation and implementation measures.
5. The intent of the legislation is to acknowledge the significance of Indigenous peoples as the first peoples with first languages, and that those languages evolve over time.
6. The intent of the legislation is to acknowledge that Indigenous language rights are inherent Aboriginal and Treaty rights, including Indigenous peoples' jurisdiction regarding their languages, pursuant to s. 35 of the Constitution Act, 1982 and decisions of the Supreme Court of Canada.



Co-development Working Group Consensus

7. The intent of the legislation is to be a framework that can evolve and be amended to strengthen and address weaknesses; with a periodic, parliamentary review every five years.
8. The intent of the legislation is to articulate a framework for implementation of Indigenous people's rights regarding their language, and to accommodate the ability of Indigenous peoples to establish and maintain proficient Indigenous-controlled systems, as well as the archiving of and access to language data.
9. Lifelong learning and the education system for Indigenous peoples, no matter where they may reside, should be acknowledged as a critical tool for Indigenous peoples to restore fluency among Indigenous peoples of all ages.
10. Each situation will be different in terms of what is required on the ground regarding methodologies for the most appropriate means to promote, preserve and revitalize languages. Consequently, policies and funding approaches will need to support various approaches and adequate regional institutional infrastructure will be required to support local efforts as well as at the national level. Such a mechanism could potentially include a national institution as well as regional institutions. In some cases, this will mean enhancement of existing institutions while in others it may mean the creation of Indigenous mandated and led institutions over time.



Co-development Working Group Consensus

11. A single entity may not meet the needs given the diversity of peoples, languages, geographic and jurisdictional considerations as well as the fact that in some jurisdictions legislation, commissioners and other oversight entities already exist. The role of the entity(s) would be contingent upon the rights affirmed by legislation.
12. Funding associated with the implementation of the legislation must be adequate, predictable, sustainable, long-term, and reach the appropriate recipients. Further, funding to recipients for on-going support purposes must be on a core basis (not annual project-based) and funding mechanisms should facilitate that intent.



Next Steps

Elements of the Proposed Legislation

- Transforming and defining the Principles into potential legislative content which could inform Canada's Intensive Engagement process
- Sub-working groups have been formed :
 - costing;
 - communications;
 - education overlap; and
 - institutions.



Potential Federal Government Engagement

Direct Engagement (June – August, 2018)

- “Workout” type sessions will be convened with the Inuit, First Nations, and Métis peoples.
- These workouts would be structured as single-day sessions.
- Multiple sessions would be held in appropriate locations in the Yukon, Northwest Territories, Nunavut, British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Nova Scotia, and Labrador.
- Others, as appropriate.



Federal Government Engagement

Indirect Engagement

Individuals and/or groups that are unable to attend direct engagement sessions will be provided the opportunity to submit their feedback through a variety of means, including:

- On-line survey;
- Written comments/submissions;
- Electronic comments/submissions; and
- Presentations provided at gatherings convened by Indigenous organizations (this will be on an as-requested basis and as scheduling permits).



Federal Engagement Activity

Communications

- An Information Package will be sent to organizations and communities to provide them context and invite them to participate. The Information Package will consist of a letter and links to reference materials that will be posted on the Canadian Heritage Indigenous Languages Legislation web-page. The package will go to:
- The Assembly of First Nations, the Inuit Tapiriit Kanatami, and the Métis Nation;
- Organizations such as the Native Women's Association of Canada (NWAC), National Association of Friendship Centres (NAFC), Pauktuutit – Inuit Women of Canada, and the First Nation Confederacy of Cultural Education Centres (FNCCEC);
- Indigenous-led education & language entities;
- Indigenous Provincial/Territorial Regional Organizations;
- Tribal Councils;
- Communities (First Nation, Inuit and Métis).



Timeline

- Engagement sessions for BC
- June 27 – Vancouver
- June 29 – Kamloops
- July 4 – Nanaimo
- July 6 - Prince George
- Introduction of the Bill in Fall 2018
- Passage of the Bill before next election in November 2019