



## FIRST NATIONS LANGUAGES

### OVERVIEW

---

The Department of Canadian Heritage (DCH) is working with the Assembly of First Nations, Inuit Tapiriit Kanatami and Métis Nation to co-develop the Indigenous Language Legislation.

Language experts and knowledge keepers took part in an “Early Engagement” period from June 2017 to February 2018. This work has led to the overarching principles that outlines the core elements that would be proposed in the legislation.

Summary findings from this early engagement is available at the DCH website:

<https://www.canada.ca/en/canadian-heritage/campaigns/indigenous-languages-legislation/engagement-sessions.html>

At the December 5 & 6, 2017, Assembly of First Nations (AFN) Special Chiefs Assembly (SCA), Resolution 77/2017, *Support for Continued Co-Development Work on the Indigenous Languages Act*, was passed, providing further support and direction for the joint development of an Indigenous Languages Act, primarily in the form of a set of key principles and the call for Canada to conduct consultation with First Nations rights holders. These key principles have been integrated into a set of Objectives and

Key Principles through the Co-Development Working Group.

**Objective:** Legislation structured such that both the common; as well as the unique circumstances of First Nations, Inuit and the Métis are appropriately reflected.

#### 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).

**Objective:** Accord Indigenous languages appropriate linguistic rights as may have been contemplated under s.35 Constitution Act; and acknowledgement of the history

and evolution of those languages and significance to Indigenous peoples' culture and identity.

## Key Principles

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.
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.

**Objective:** Ensuring legislation remains current with the ongoing promotion, preservation and revitalization of Indigenous languages.

## Key Principles

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.

**Objective:** Appropriate institutional infrastructure and mechanisms related to the implementation of the legislation.

## Key Principles

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.
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.

**Objective:** Facilitate adequate, appropriate and sustained support.

Key Principles

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.

## UPDATE

---

### Intensive Engagement Sessions

The Department of Canadian Heritage (DCH) is launching their intensive engagement sessions on June 18, 2018, and will be visiting locations across Canada throughout the summer. The Alberta engagement sessions will be held in Calgary on July 19, 2018 at the Grey Eagle Resort and Casino, 3777 Grey Eagle Drive and in Edmonton on July 22, 2018 at the River Cree Resort & Casino, 300 E Lapotac Blvd, Enoch, AB.

The AFN will be hosting preparatory information sessions prior to DCH engagement sessions to update participants on the background and process. The AFN pre-meeting in Calgary will be July 18 and in Edmonton July 20.

These open intensive engagement sessions will be conducted through direct/in-person engagement – “workout” type sessions convened with the First Nation, Inuit and Métis peoples. DCH will be facilitating these sessions through a discussion guide focusing

on six questions intended to build on the pre-engagement sessions held in 2017. It is intended that this round of DCH engagement will also include Indigenous rights holders that have signed modern treaties, comprehensive land claims and/or self-government agreements.

The most up-to-date info can be found on their webpage at:

- <https://www.canada.ca/en/canadian-heritage/campaigns/indigenous-languages-legislation.html>
- <https://www.canada.ca/fr/patrimoine-canadien/campagnes/legislation-langues-autochtones.html>

### Indirect Engagement

DCH is also conducting indirect engagement over the course of summer 2018 through online questions, written comments/submissions, and electronic comments and submissions. Comments can be submitted directly to DCH via the links above.

## NEXT STEPS

---

- AFN expects legislation to be introduced to the house in the fall of 2018.

