

# The \*Glendon Truth and Reconciliation Declaration on Indigenous Language Policy

**October 2016**

\*Please note that, at the present moment, pending formal approval by Glendon's Faculty Council, the name 'Glendon' refers to the physical site of the February 9, 2016 Colloquium where the Declaration text was first drafted.

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## **Background:**

On February 9, 2016, eighty-two Indigenous and non-Indigenous scholars gathered together at Glendon College, York University, for a national Colloquium on the implications for Indigenous language policy of the TRC Report of December, 2015.

Notably, the gathering was opened by former National Chief Phil Fontaine and attended by invited speakers, indigenous language policy researchers and practitioners from five provinces and one territory, federal and Ontario government officials, and media observers. A full list of Colloquium participants and institutional sponsors is presented in Appendix E.

The aim of the Colloquium was to address the implications for Indigenous Language Policy in Canada of the Final Report of the Truth and Reconciliation Commission (TRC) of Canada and for the related responsibilities of post-secondary educational Institutions. In both the morning plenary and in afternoon working groups, the participants addressed the following three Calls to Action of the TRC final report and the fourth topic, the related responsibilities of post-secondary institutions.

The three Calls to Action discussed at the Colloquium were:

### **Call to Action # 13**

We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

### **Call to Action #14**

We call upon the federal government to enact an Aboriginal Languages Act.

### **Call to Action #15**

We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner

Extensive reading material (listed in Appendix E, below) was distributed prior to the Colloquium to allow for a common baseline of information, and all comments were recorded. Finally, the gathering culminated in a plan to send out a Declaration on Indigenous Language Policies in the light of the TRC Report. The Declaration itself is contained on a single page, page four. The remainder of the present document consists of six appendices, four of which (A, B, C and D) provide background discussion in support of the Declaration. Appendix F provides a list of Colloquium participants and sponsors, and Appendix G provides an overview of the Colloquium program.

# The Glendon Truth and Reconciliation Declaration on Indigenous Languages:

## **We declare that, to truly celebrate the 150<sup>th</sup> anniversary of Canada in 2017,**

1. The Crown and Her Federal Government must formally acknowledge, without the need for litigation, that section 35(1) of the *Constitution Act, 1982* includes Indigenous<sup>1</sup> Linguistic Rights. (See Appendix A for discussion)
2. The Crown and Her Federal government must enact an Indigenous Languages Act. In doing so, it can be guided by the Report of the 2005 Task Force on Aboriginal Languages and Cultures, which responds to each of the five principles required by the TRC Report. (See Appendix B for discussion)
3. The Crown and Her Federal Government in enacting an Indigenous Language Act must create an Office of the Commissioner of Indigenous Languages, with three national Indigenous Language Commissioners, one for the First Nations, one for the Inuit, and one for the Metis, with an ancillary staff complement comparable to that of the Office of the Commissioner of Official Languages, and a Commissioner's representative located in each Indigenous Nation and/or Territory to assist with the carrying out of the intent of the Indigenous Language Act. (See Appendix C for discussion)
4. All of the above recommendations are subject to consultation with the three Aboriginal groups, First Nations, Inuit and Metis as identified in the Constitution Act, 1982, in a manner which respects the principle of free, prior and informed consent.

With respect to the Related Responsibilities of Post-Secondary Institutions, we further declare that:

1. Post-secondary Institutions must develop collaborative funding models to support Indigenous language initiatives open to research, pedagogy, and partnerships.
2. TRC Committees must be established in all post-secondary institutions
3. Post-secondary institutions must engage in Community building: both inside the university and between the institution and Indigenous communities and Indigenous community-based organizations
4. Varying qualifications and credentials of Indigenous people must be recognized and honoured
5. There must be cross-training and collaboration across university administrations, programs and faculty
6. Post-secondary institutions must develop programs in Indigenous language studies with a view to promoting full oral proficiency and literacy in Indigenous languages, with certification through college and university diplomas and degrees in Indigenous languages.
7. There must be Indigenous Cultural Competency Training for all post-secondary institutions which would include Governors/Regents, Administration, Faculty and Staff.

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<sup>1</sup> At the time of the drawing up of the Canadian constitution 1982 and of the TRC report, the general term used was Aboriginal; however, in keeping with current shifts in terminology, this text uses the term Indigenous, the exception being the term 'Aboriginal rights.' Otherwise, the term 'Indigenous' refers to Aboriginal peoples as affirmed in the Constitution: First Nations, Metis and Inuit, and is inclusive of both on- and off-reserve communities as well as status and non-status.

## APPENDIX A

### Response to the TRC Call To Action #13

**We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights**

THE GLENDON DECLARATION:

The Crown and Her Federal Government must formally acknowledge, without the need for litigation, that section 35(1) of the *Constitution Act, 1982* includes Indigenous<sup>2</sup> Linguistic Rights. (See Appendix A for discussion)

Discussion:

*Section 35 should be treated as a full basket*

We are convinced that the federal government must also acknowledge that section 35(1), so often treated as an empty basket, should be treated as a full one.<sup>3</sup>

*Aboriginal language rights are no less positive and enforceable than those conferred to English and French*<sup>4</sup>

The Colloquium found it helpful to develop its perspective on Aboriginal language rights by comparing them to something familiar: the well-established rights of official (English/French) language minority rights in the Constitution and in Section VII of the Official Languages Act.

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<sup>2</sup> At the time of the drawing up of the Canadian constitution 1982 and of the TRC report, the general term used was Aboriginal; however, in keeping with current shifts in terminology, this text uses the term Indigenous, the exception being the term ‘Aboriginal rights.’ Otherwise, the term ‘Indigenous’ refers to Aboriginal peoples as affirmed in the Constitution: First Nations, Metis and Inuit, and is inclusive of both on- and off-reserve communities as well as status and non-status.

<sup>3</sup> Sandra Inuitiq: paper presented to UN International Expert Meeting (January 19-21, 2016: p. 3)

<sup>4</sup> It must be said that the focus of the Glendon Colloquium did not include an in-depth discussion of the important **Call to Action #10**, dealing with the right of Indigenous parents to educate their children in the language of their ancestors. There is, without question, an urgent need for another national forum for educators to address the basket of rights and legislation needed. The Glendon Colloquium, rather, dealt with Indigenous language rights in the sense of a broad basket of “vitality rights” i.e. rights which would foster and promote all aspects of community life and home life – both the informal language economy as well as the more formal one of schools and governance - which, together, contribute to language vitality. Certainly the right to education in an Indigenous language, is a necessary language right which needs to be guaranteed, alongside other language rights, if language survival and flourishing are a community’s stated goals. We see the Glendon Colloquium and our Declaration serving as complementary to and enthusiastically in support of the work of educators seeking to strengthen education in Indigenous communities.

Unlike section 23 of the Constitution, which enshrines the “intrinsic” *Charter* right of official English and French language minority communities to preserve and promote their languages and cultures (and enforces these rights in court), section 35 is “extrinsic” to the *Charter*.

However, we hold, following Leitch 2006, that a liberal interpretation of section 35 would confer a positive duty upon the Crown to promote and protect the Aboriginal right of Canada’s first peoples to promote and protect their languages, cultures and communities, in a manner no less robust than that conferred to official language communities under sections 23 and 24.

The nature of this promotion and protection needs to be specified as well as the requirement that section 35 confers a positive obligation to act and, in the context of reconciliation and equity, for the costs of Indigenous language and cultural protection and promotion to be borne by the federal government.

*Both official language minorities and Aboriginal peoples know that their languages are much more than simple means of communication*

Official language minorities’ language rights are collective rights, since they support the flourishing of communities and community institutions and the civilizations and identities of speakers of these languages in territories where the languages are present. In a wider sense, Canada’s official languages are recognized in Canadian jurisprudence as also being of value for the construction and affirmation of Canada’s identity. Indeed the Canadian self-image and our standing in the world is intimately tied to notions of linguistic duality and support for minority official language communities is an essential component of the “Canada brand.”

Likewise, the Indigenous peoples of Canada know that their languages are much more than simple means of communication; they are an integral part of the philosophies and civilization of the peoples who speak them; they are a vital connection to the land, and they are key to the collective sense of identity and nationhood of First Nation, Inuit and Metis peoples. In the words of the United Nations International Expert Group meeting in January, 2016, they are key to ensuring the continuation and transmission of culture, customs and history as part of the heritage and identity of indigenous peoples.”<sup>5</sup>

*Aboriginal rights confer obligations distinct from those flowing from the principle of universal linguistic human rights or those flowing from official language (English/French) minority rights; however, the positive right to mother tongue education is a practical effect common to all*

The Glendon Colloquium was made aware of the importance of understanding that Aboriginal rights are not the same as human rights or linguistic human rights<sup>6</sup>; they are unique and separate, largely because they are already part of our domestic law through section 35. Importantly, section 35 rights apply uniquely to First Nation, Inuit and Metis peoples, and, of equal importance, section 35 can be seen to confer a positive obligation on the part of the Crown towards them alone.

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<sup>5</sup> UN Expert Group Meeting Concept Note, 19-21 January, 2016. P. 1.

<sup>6</sup> This is not to say that human rights and linguistic human rights are not important. The argument here is that the most relevant and most actionable basket of rights and the one which needs to be opened and employed in Canada in the specific case of Canada’s Indigenous peoples’ linguistic human rights is the basket which exists in section 35.

Indeed, this positive obligation under section 35 can be seen, with respect to granting a right to Indigenous language education, as resembling in practical effect if not in ontology a right to mother tongue education granted to Canada's official language minority communities through section 25.

*Three characteristics which distinguish the source of Aboriginal language rights from that of official language (English/French) minority rights*

The nature of the positive obligation of the Crown towards Indigenous communities and languages is not precisely the same as that obligation toward official language minority communities, and this derives from the nature of Aboriginal rights.

First, the source of Aboriginal language rights is different from the source of official language rights. Aboriginal rights, including Aboriginal language rights, "are not based on written instruments, but on unwritten sources such as long-standing custom and practice." (*RCAP Final Report*).

Second, Aboriginal rights are created and upheld through nation-to-nation Treaty, and as inherent rights, they derive from a different, pre-existing, source of Indigenous legal philosophy than the set of explicitly constitutionalized rights available since 1982 to official language minorities.

Third, upholding Aboriginal rights are an integral part of the fiduciary duty which the Crown assumed at the time of Treaty and which it cruelly neglected during the long period in which speakers of Indigenous languages, especially children, were subjected to a policy which prohibited use of their mother tongues and separated them from their parents' culture. Over a long period, the Crown acted in the exact opposite way of what a genuine fiduciary relationship should have guaranteed. In this sense, the Honour of the Crown is at stake in restoring a proper relationship, one dimension of which will require that the Crown breathe life into its understanding of section 35 and its consequent commitment to existing, inherent, Aboriginal language rights.

*A vision of the Crown's positive obligation to support linguistic diversity, both for official language minorities and for Indigenous peoples, and to do so equitably*

However, despite these three differences in the source of Aboriginal language rights on the one hand and official language minority communities' rights on the other, and consequently the difference in the modality of the Crown's obligations to each group, in one key respect, the obligations appear to be similar. In both cases, the Crown has the positive obligation to provide the means so that both OL minority and Indigenous communities can take control over and manage the vitality of their languages in order to ensure their survival and to strengthen their transmission from generation to generation.

Also, in both instances, the Crown is required be on the side of linguistic diversity and against linguistic assimilation, and it is bound in both instances to be attentive to the degree to which it is providing the necessary funding support so that those who are intended to enjoy their language rights can indeed do so as a normal state of affairs in everyday practice, to the degree and in the modality appropriate to and determined by the group in question.

*What does the United Nations say about the importance of Indigenous languages?*

In their January, 2016 meeting at the United Nations, the International Expert Group on Indigenous Languages declared that “the extinction of each language results in the irrecoverable loss of unique cultural, historical, and ecological knowledge. Each language is a unique expression of the human experience of the world.”<sup>7</sup>

Indigenous languages are deeply connected to spiritual and religious traditions, ceremonies and sites; subsistence off the land; traditional health and wellness; the spiritual relationship to and continued use of traditional lands and resources; the environment; cultural heritage including knowledge of flora and fauna; and Treaties. All of these relationships between languages and human flourishing are acknowledged throughout the full breadth of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Indigenous languages are also legitimate instruments of self-governance of Indigenous Nations, as they are for non-Indigenous Nations.

The three UNDRIP articles which directly refer to Indigenous language preservation and revitalization are the following:

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 16

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<sup>7</sup> Ibid. p. 1.



1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

*How is the Canadian federal government going to proceed adopt UNDRIP?*

Although Canada has stated that it has “adopted without qualifications” the UNDRIP Declaration, the Minister of Justice has made it clear<sup>8</sup> that “adopting UNDRIP as being Canadian law” would be “simplistic and unworkable”; instead, she has said, there needs to be “a mixture of legislation, policy and action initiated and taken by Indigenous Nations themselves.”

*Does this mean that Indigenous Nations must take action on language policy before the federal government is going to act?*

Not exactly. But the Minister stated, in her July speech to the AFN, that, for a nation-to-nation dialogue to take place, Indigenous groups need to “define themselves as Nations” and they must decide what structures (of delivering programs and services, including education etc.) they want - and she encourages them to think outside the colonial (and therefore not nation-to-nation) restrictions of the *Indian Act*.

*How could Indigenous Language Policy become part of a nation-to-nation dialogue?*

It would appear that both parties to a nation-to-nation dialogue must include Indigenous Language Policy as a central part of the “institutions of government” of the Indigenous Nation. The Indigenous Nation must put it forward, and the Crown/Federal Government must respect this component of Indigenous Nation governance.

This seems to be a reasonable conclusion from the following statement, of the Minister of Justice in the same July speech to the AFN

“What the federal government can do now is begin the process to recognize [Indigenous] Nations and [their] legitimate institutions of government. What we can do – in full partnership – is to facilitate the transition – to set us on an irreversible path of action – and to develop a national reconciliation framework with improved and new mechanisms to guide this transition to rebuilding strong, self-determining Nations with practicing and thriving cultures.”

Since an Indigenous language, among its many uses, can be (or become, if its speakers so desire) a “legitimate institution of government,” there would appear to be no reason why an Indigenous Nation wishing to use or develop its Indigenous language as part of building a “strong self-determining Nation with a practicing and thriving culture” couldn’t have its language recognized by the Crown/Federal government (a) as an Aboriginal right – which all Indigenous Nations possess and (b) as a legitimate institution of government (to the extent desired by the Indigenous Nation in question).

In this way, with this Crown/Federal recognition, under the Indigenous Languages Act, an Indigenous Nation could begin to initiate action toward interpreting the UNDRIP articles with

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<sup>8</sup> The Hon. Jody Wilson-Raybould, Minister of Justice. Notes for an address to the Assembly of First Nations Annual General Assembly, Niagara Falls, ON July 12, 2016.

respect to the promotion and protection of its Indigenous language on its territory and in its National institutions, including but not limited to education (Article 13) and the media (Article 16).

And the Indigenous Nation could, if it wished, either immediately or after a period of time, decide to make its Indigenous Language “official” for its own self-government purposes on its territory and in institutions under its control, it could do so and could, under the proposals made in this Declaration, negotiate financial arrangements or contribution agreements for the ongoing support of its language from the federal government.

*Given this indication of Federal intentions around UNDRIP, what must Indigenous Nations do as part of their nation-to-nation dialogue with Canada if they want their Indigenous Language included in their plans?*

It is absolutely imperative that Indigenous Nations planning to engage in a nation-to-nation dialogue with the Crown/Federal government, and who are also planning for their Indigenous language to be an important part of this “transition to rebuilding strong, self-determining Nations with practicing and thriving cultures,” include a statement of their Indigenous language policy intentions as part of the dialogue. It is their Aboriginal language right to do so.

For the Crown/Federal government, it is imperative that, as they engage with each Indigenous Nation in a nation-to-nation dialogue, that the Nation’s right to having UNDRIP and TRC principles embedded in its institutions of governance, education and media be fully discussed.

*Indigenous languages are key to responding to most TRC Calls to Action and UNDRIP articles too.*

The health of Indigenous languages is implicated in most, if not all, of the Calls to Action of the Truth and Reconciliation Commission and the UNDRIP articles which don’t explicitly mention language, such as: child welfare and the creation of culturally appropriate environments, education, culture, health, justice, museums and archives, media, sports and leisure, environmental and wildlife management, and governance. A broad interpretation is required.

*Are Canada’s Indigenous languages coming to be viewed as valued in Canada?*

They too are coming to be seen as, in the words of the *Truth and Reconciliation Commission*, “a fundamental and valued element of Canadian culture and society.” A former governor-general wrote recently that Indigenous languages are vital to telling Canada’s story.<sup>9</sup> Indeed, the Prime Minister spoke<sup>10</sup> recently in an APTN interview as saying that he is aware of research which demonstrates that Indigenous communities which promote and protect their languages also exhibit a decrease in teen suicide.<sup>11</sup>

*Aboriginal language rights in the reconciliation process: the need to repair wrongs*

<sup>9</sup> Adrienne Clarkson “Indigenous languages are vital to telling Canada’s story” *Globe and Mail* May 13, 2016.

<sup>10</sup> <http://aptn.ca/news/2016/06/07/the-power-of-words-can-indigenous-languages-reduce-youth-suicide-rates-2/>

<sup>11</sup> This refers to research by UBC’s Michael Chandler and Christopher Lalonde; for instance in their article available at: [http://firstnationcitizenship.afn.ca/uploads/A12\\_Cultural\\_Continuity\\_as\\_a\\_Hedge\\_against\\_Suicide.pdf](http://firstnationcitizenship.afn.ca/uploads/A12_Cultural_Continuity_as_a_Hedge_against_Suicide.pdf)

We argued above that Aboriginal language rights are among the “existing” rights named in section 35, since they were inherent in Indigenous nations’ customary language practices at the time of Treaty or first contact and have never been surrendered. As amply documented by the Truth and Reconciliation Commission, language loss is attributable to a Crown policy of *linguicide*<sup>12</sup> directed principally at child speakers of Indigenous languages in residential schools, within an overarching policy of cultural genocide and neglect of rights over a period of many years.

*The well-established Canadian value of restorative linguistic justice: it’s for official language minorities as well as for Indigenous peoples*

Perhaps many will see this circumstance as one which sets the current demand for Aboriginal language rights apart from language rights of official language minorities. However, this is not the case. Ever since the Mahe decision of 1990, the policy of extending official language minority education rights has been motivated by a restorative drive to repair past linguistic wrongs. The Mahe ruling described this drive toward restorative linguistic justice as one which seeks “to remedy, at the national level, the progressive erosion of minorities speaking one or another official language, and to apply the notion of ‘equal partners’ between the two official language groups in the domain of education.”<sup>13</sup>

There can be no doubt that, in the context of a response to the *Report of the Truth and Reconciliation Commission of Canada*, the enshrining of Aboriginal language rights also must be motivated by a multi-generational commitment to repair wrongs, which we are all now called upon to collectively remember and to repair.

*But does section 35 contain this reparative objective?*

Even though section 35 is extrinsic to the *Charter*, the Supreme Court’s answer must be affirmative, since, in the *Sparrow* ruling (1990), the Court cited with approval a judgement of a lower court, which stated that “We cannot accept that the principle (of a liberal and reparatory interpretation of section 35) would apply with less force to existing Aboriginal and treaty rights than to those guaranteed under the *Charter*, especially taking into account the history and method of interpreting the Treaties and the laws concerning Indians as set out by such rulings as *Nowegijick v. R.* [a case in which the Honour of the Crown was at stake]”.<sup>14</sup>

*The responsibilities of the “Provincial Crowns” to enshrine and legislate Aboriginal language rights in a way aligned with the federal Crown: can a “New Brunswick” model be considered?*

The Truth and Reconciliation Commission emphasized that its Calls were not only directed to the federal government, but to other levels of government as well. Therefore, with respect to a restored relationship between Indigenous peoples and the Crown, we must address the relationship in terms of Indigenous peoples’ relationships with both the federal government and

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<sup>12</sup> Linguicide, or linguistic genocide, is the term used by Amos Key Jr in his writings, inspired by Tove Skutnabb-Kangas’ use of the term in her many writings on linguistic human rights and additive bilingualism. See also Andrea Bear Nicholas’ article “Linguicide: Submersion Education and the Killing of Languages in Canada” (*Briarpatch Magazine* March 1, 2011). Accessed Sept 2016 at <https://briarpatchmagazine.com/articles/view/linguicide>.

<sup>13</sup> Mahe v Alberta ruling 1990.

<sup>14</sup> This section is grounded on arguments advanced in Gabriel Poliquin’s 2013 paper, op. cit.

the ten provincial governments, who possess constitutionally-defined aspects or dimensions of the whole Crown in Canada's constitutional monarchy.

The unique case of Canada's only officially bilingual province, New Brunswick, may be suggestive of how legislation in the ten "provincial Crowns" might be aligned with a constitutionalized statement of the inclusion of Aboriginal language rights in section 35 and federal legislation: the Indigenous Languages Act.

It will be recalled that, as a result of New Brunswick's early agreement in the 1970s to adopt a provincial official bilingualism policy aligned with the values of the federal government's official bilingualism policy, that province's language policy became inscribed into the Canadian constitution.

We would argue that the federal government should propose to all provinces that they adopt a provincial version of the federal Indigenous Languages Act, as a "whole" Crown response to the enshrinement of Aboriginal language rights in the Canadian constitution. A consequence of the provinces' agreement on this procedure would complete the re-foundation of the Crown-Indigenous Relationship, through the inclusion of the eleven Indigenous Language Acts in the Canadian constitution as part of the inclusion of provincial signatures on the new Royal Proclamation of Reconciliation.<sup>15</sup>

*Given this discussion, what must the federal government do?*

This Declaration asserts that, in light of the above discussion, the federal government must

- (i) protect Aboriginal language rights by making this protection explicit in section 35 of the Constitution
- (ii) and accept its positive obligation to provide the financial means by which First Nations, Inuit and Metis may be able to enjoy their language rights through (a) the establishment and control of education systems and institutions providing education in their own languages, appropriate to their culture and methods of teaching and learning, and (b) ecological conditions which foster the survival and strengthened vitality of Indigenous languages in communities
- (iii) and acknowledge Aboriginal language rights as a partial remedy for the collective harms caused by the Crown's many years of linguacidal policies in which these rights were neglected, and as a significant component of a renewed Indigenous-Crown relationship, as foreseen by TRC **Call to Action #45**, to expressed through a new Royal Proclamation of Reconciliation,
- (iv) and, given that "the Crown" includes the ten "provincial Crowns", it should take the lead in proposing that provincial governments align their response to the TRC Calls to Action, in particular their legislation to promote and protect Aboriginal language

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<sup>15</sup> This refers to the Commission's Call to Action #45; that is, to create a new Royal Proclamation of Reconciliation. We recommend that a statement on behalf of the survival and flourishing of Aboriginal languages and communities be included in this proclamation.

rights, to that of the federal level, along the lines of New Brunswick's harmonized provincial alignment with respect to official language minority rights.<sup>16</sup>

- (v) and that it accept that, given the emerging national vision that the survival and increased use of Indigenous languages is one of the fundamental values and principles of a Canada, that Aboriginal language rights be one of the explicit principles enshrined in the new Royal Proclamation of Reconciliation.

*Canada's Indigenous Language Policy in light of the federal government commitment to adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples*

The Glendon Colloquium heard convincing arguments that, given the affirmation of Aboriginal language rights in section 35 of the *Constitution*, there is no need to rely solely on the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* to affirm these rights.

However, given that the federal government has recently (May 10, 2016) declared before the United Nations that it is committed to fully adopting and implementing *UNDRIP* (thereby responding to the TRC **Call to Action #43**), it would be appropriate for the federal government to announce that, subject to further consultation with Canada's first peoples, the explicit section 35 acknowledgement (responding to **Call to Action #13**) and the Aboriginal Languages Act (responding to **Call to Action #14**) together providing positive rights to Indigenous languages, is how the government intends to implement the *UNDRIP* articles 14(1) and (3), which state:

- 14 (1) Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
- (3) States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

To give practical legislative effect to this affirmation of Aboriginal language rights in the Constitution, the federal government must adopt legislation [see the discussion on **Call to Action #14**, below] granting a range of Aboriginal language rights, central of which is the right of Indigenous peoples to revitalize and preserve their languages, no matter at what condition of endangerment or vulnerability the language may presently be.

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<sup>16</sup> According to the University of Ottawa's Site for Language Management in Canada, only 6 provincial or territorial governments have any legislation on Aboriginal languages: B.C., Ontario, Quebec and the three territories.

## **Appendix B**

### **Response to TRC Call to Action #14**

**We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:**

- i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.**
- ii. Aboriginal language rights are reinforced by the Treaties.**
- iii. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.**
- iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.**
- v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.**

**THE GLENDON DECLARATION:**

The Crown and Her Federal government must enact an Indigenous Languages Act. In doing so, it can be guided by the Report of the 2005 Task Force on Aboriginal Languages and Cultures, which responds to each of the five principles required by the TRC Report. (See Appendix B for discussion)

Discussion:

*Is Canada exceptional in North America for not having any Indigenous language legislation?*

Yes. Canada is the only North American country not to have national Indigenous language legislation. Both the United States and Mexico have passed legislation – the United States in 1990 and Mexico in 2003.

*Did the TRC Commissioners recommend that Canada study other countries' legislation?*

Indeed. The TRC Commissioners proposed that the Government of Canada should establish “a framework for a new commitment to respecting, preserving, and strengthening Indigenous languages by enacting an Indigenous Languages Act that is similar to the *Native American Languages Act* enacted by the US Congress.” (*TRC Final Report, vol. 5. p.120*).

*What are the criteria set down by the TRC Commissioners to assess Indigenous language legislation?*

The Commissioners specified in their wording of **Call to Action #14** that a Canadian Act must adhere to the five principles listed above, but also that it must:

- Recognize that residential schools were part of a forced policy of linguistic assimilation
- Affirm both Aboriginal and Treaty rights, and
- Incorporate the relevant articles of the *UN Declaration on the Rights of Indigenous Peoples*.

*What legislation did the Glendon Colloquium look at as possible models for a Canadian Act?*

In the Colloquium reading package, there were three pieces of legislation: the *Native American Languages Act* (NALA) of the United States, the Mexican *Ley General de Derechos Linguisticos* [General Law on Linguistic Rights] and the current bill before the Canadian Senate, Bill S-212.

More specifically:

The NALA Acts of 1990 and 1992 contains two important sections (Sec. 102 – “findings”, and Sec. 104 – Declaration of Policy), and this document was among the background materials for discussion at the Glendon Colloquium (see Appendix E). In 2006, NALA was amended through the Esther Martinez Native American Languages Preservation Act, whose intention was to provide for the revitalization of Native American languages through language immersion programs.

In addition to the U.S. experience, The Mexican 2003 General Law on Linguistic Rights of Indigenous Peoples was also distributed to the Colloquium, by way of stimulating discussion of the content of Indigenous language acts elsewhere in North America.

Also, the draft of the Senate of Canada’s Bill S-212, co-sponsored by Senator Serge Joyal and Senator Murray Sinclair, was part of the background material.

*Did any of these three pieces of legislation meet the TRC’s five principles?*

No. When these three pieces of legislation are examined to see to what degree they incorporate the five principles set out in **Call to Action #14**, and the three additional ones, they are found lacking:

- i. None of the three pieces of legislation refer to the urgency of the matter at hand.
- ii. Only the Canadian bill mentions “treaties”, but only in a relatively insignificant non-derogation clause.
- iii. None of the three pieces of legislation refer to federal funding responsibilities. The word “funding” is not mentioned in the US or Mexican acts; the Canadian Senate bill refers to funding only in a relatively insignificant definitional discussion (clause 7b).
- iv. There is an acknowledgement in the Canadian Senate bill of the right of Indigenous Nation governments to officialize an Indigenous language for the purpose of conducting local governance activities (clause 7a). Also, both the US act and the Canadian Senate bill agree on the right of Indigenous governments to use Indigenous languages as the language of instruction in all schools that are operated on reserves.
- v. None of the three pieces of legislation refer to the need to reflect diversity of Indigenous languages.

Also, with reference to the three additional principles contained in the text of the TRC Report,

- vi. None of the three pieces of legislation refer to the previous policy of forced assimilation, which the Act seeks to remedy.
- vii. None of the three pieces of legislation affirm Treaty and Aboriginal rights
- viii. None of the three pieces of legislation refer to the *United Nations Declaration*.

Therefore, it must be said that, as a result of this comparison, it would appear that none of the three existing acts or bills are even minimally adequate models to respond to **Call to Action #14**.

#### What does scholarly opinion say about the Mexican 2003 Act?

It is generally thought that the 2003 Mexican act is merely symbolic in its “apparent support for Native languages through bureaucratic interculturalism and other policies that undermine conditions for Indigenous language vitality in practice.” “Officially, there is an array of institutional support for language rights and revitalization...(but) the ideology of monolingualism reigns supreme, reproducing folkloric notions of indigeneity and top-down authoritarianism in state relations with Indigenous peoples.”<sup>17</sup>

One potentially positive aspect of the Mexican Act, however, was its creation of INALI, the National Institute for Indigenous Languages, which works to document and disseminate Indigenous languages, as well as dictionary preparation, teacher education and several promotional and advocacy efforts.

A somewhat similar proposal, for a First Nation Languages Foundation, was one of the recommendations of the 1996 Royal Commission on Aboriginal Peoples and the 2005 Task

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<sup>17</sup> Gustafson, B. et al. (2016) “Policy and Politics of Language Revitalization in Latin America and the Caribbean” in Coronel-Molina, S. and T. McCarty *Indigenous Language Revitalization in the Americas*. (New York and London: Routledge, pp. 35-53).



Force on Aboriginal Languages and Cultures recommended the creation of a national language organization (Aboriginal Languages and Cultures Council or “LCC”) to include a language clearinghouse, and carrying out research for implementation of baseline survey and community-based language planning.

*What does scholarly opinion say about the United States Act?*

The US Act was weakened by its failure to ensure an adequate level of annual funding (for NALA, \$20 million annually was projected, a modest \$3.3 million was delivered; for the Esther Martinez Act, \$60 million annually was projected, for language nests and immersion programs, but only \$2.5 million was delivered). The strength of NALA lies in the fact that it was the result of grassroots activism. Also, it specified Indigenous control of the monies, program direction and implementation.

However, in the opinion of a British language policy scholar, despite NALA being “one of the most explicit statements on language ever issued by the United States Congress, yet it is a classic example of a policy with no planning dimension.”<sup>18</sup> Weak links between formal policy statements and community-based bottom-up planning activities, often informal, and between federal, provincial and indigenous government levels of policy need to be minimized if real change on the ground is likely to happen.

*And the Canadian Senate bill?*

With respect to the Canadian Senate bill, we must remember that the Senate cannot initiate money bills (i.e. bills imposing taxes or providing for the collection or spending of public money). There may be public hearings on the Senate bill, and also later, if the bill is sent to the House of Commons, there will be an occasion for parliamentarians to add funding clauses and to address the Bill’s lack of attention to the TRC principles, and of course, there will be an opportunity for public discussion. Perhaps this Declaration will help people contribute to that discussion.

*So, if these three examples of legislation are insufficient, how to proceed toward thinking of legislation which embodies the five required TRC principles?*

Perhaps the best source to discover concepts to support the TRC principles would be *Towards a New Beginning* (The 2005 Report of the Task Force on Aboriginal Languages and Cultures). Conceived under the Martin Liberals’ government and delivered to the Harper Conservative government, this indigenous-driven document – rejected by all three national Aboriginal bodies – never got the attention it deserved.

And yet, it is not difficult to extract concepts from the 2005 Report to respond to the TRC principles. The following discussion draws upon notes from the Glendon Colloquium, its background package of readings, and selected material from the 2005 Task Force Report.

**Principle i) Indigenous Languages are a fundamental and valued element of Canadian culture and society...**

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<sup>18</sup> Romaine, S. “The Impact of Language Policy on Endangered Languages” in *International Journal on Multicultural Societies*, Vol. 4, No. 2 (2002)

The vision of Indigenous languages sees them as renewed expressions of First Nations, Inuit and Metis nationhood in a country, Canada, which can make itself whole by hereby recognizing them as the original languages of Canada.

Put simply, reconciliation depends upon recognition of Canada's Indigenous languages.

As the original languages of Canada, spoken here millennia before French and English, there is an intimate connection between those who speak them and this land, and the restoration of First Nations, Inuit and Metis languages is part of a wider process of reconciliation which reaffirms the nation-to-nation relationship between First Nations, Inuit and Metis peoples and the Crown.

The proposed Indigenous Languages Act must give legislative effect to the inclusion in section 35 of the Constitution that "existing Aboriginal rights include Aboriginal language rights."

**...and there is an urgency to preserve them.**

It must be recognized that the task of promoting, protecting, affirming, revitalizing and developing Indigenous languages is a matter of great urgency. For over a century, the Crown sought to proscribe these languages, with the result that a recent survey<sup>19</sup> using UNESCO's guidelines on linguistic vitality, pointed to the urgency with which steps toward preserving Canada's Aboriginal languages must be adopted:

- 35 are Critically Endangered
- 27 are Severely Endangered
- 5 are Definitely Endangered
- 23 are Vulnerable / Unsafe

Given these degrees of endangerment, there is no more time to lose.<sup>20</sup>

### **Principle ii) Aboriginal language rights are reinforced by the Treaties.**

First nation languages were the official languages of historical treaties. Treaties granted consent to the Crown to peaceably settle and develop most parts of the

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<sup>19</sup> Norris Associates 2016, as reported in the *Bulletin of Canadian Association of University Teachers* (June 2016). Norris is Mary Jane Norris, an invited participant in the Glendon Colloquium.

<sup>20</sup> Mary Jane Norris has kindly supplied the Drafting Committee with excellent up-to-date statistical material on the state of Canada's Indigenous languages. See:

[Indigenous\\_Languages\\_Highlights\\_Norris\\_May\\_2016.pdf](#)  
[Indigenous\\_Languages\\_Can\\_MJ\\_Norris\\_June\\_3\\_2016.pdf](#)

country, while recognizing Indigenous ' peoples' right to make decisions in accordance with their legal traditions.

The practices, traditions and customs maintained by First Nations, Inuit and Metis languages are the basis of the Aboriginal and treaty rights enshrined in the Constitution and as such, Aboriginal language rights and cultural practices fall within the scope of constitutional protection.

Canada's departure from this original understanding of Confederation and its subsequent policies of assimilation contributed to language loss. The practice of using Indigenous languages was a pre-existing, distinctive and continuous practice that was never surrendered or extinguished and is hereby recognized as an existing Aboriginal right under section 35(1) of the *Constitution Act, 1982*.

**Principle iii) The federal government has the responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation**

The federal government's responsibility toward Indigenous peoples' Aboriginal language rights must be viewed in the context of reconciliation. We presented the argument in the discussion of **Call to Action #13** that this responsibility must be formally accepted and expressed in a new Royal Proclamation of Reconciliation to be issued by the Crown<sup>21</sup>

The violation of Aboriginal and Treaty rights as well as of the government's fiduciary duties toward Indigenous children and to Indigenous people generally have been recognized with respect to individuals' loss of language and culture in the Common Experience Payments arising from the Settlement Agreement. However, the TRC Report found that these payments "ignored the collective and intergenerational harms that have struck at the very core of Indigenous identity" and Survivors' statements speak of "devastating cumulative damage to Survivors, children and grandchildren" and therefore, with respect to redressing the collective loss of language and culture, which was the intended consequence of the residential schools, "in the absence of steps to reverse the collective loss of language, redress has not occurred."

The forced assimilation of Indigenous children through the residential schools was also an infringement of Article 8 of UNDRIP. Article 8(2) of this Declaration, which the federal government has solemnly adopted, states that "states shall provide effective mechanisms for prevention of and redress for any form of forced assimilation or integration."

Canada, therefore, has a duty to provide the resources necessary to foster the flourishing of First Nation, Inuit and Metis languages and cultures.

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<sup>21</sup> This in accordance with the government's adoption of the Call to Action #45.

Therefore, drawing on the discussion above with respect to a federal response to the **Call to Action #13**, it would not be inappropriate for the Act to frame the issue of adequate funding in the following terms:

“Given the urgent need to provide sufficient funding to support and encourage the full enjoyment of language rights, by way of redress for past wrongs committed by the Crown, and with a view to restoring the honour of the Crown through respecting its Treaty obligations to First Nations, Inuit and Metis peoples, and mindful of the government’s commitments under UNDRIP, which include redress and compensation, it is the federal government’s policy to negotiate on a nation-to-nation basis with respect to First Nations, Inuit and Metis a baseline amount of stable multi-year funding for the purpose of preservation, revitalization, promotion and protection of Indigenous languages, recognizing that only a multigenerational commitment will be sufficient to address the harms created by more than a century of linguicidal policies and racial discrimination.

This funding is to be administered by Indigenous peoples themselves through their representative Indigenous governments, which is to be used for, but not limited to, such preservation, revitalization, promotion and protection programs as the following: [as described in the 2005 Task Force Report]

- (a) Programs which reinforce the link between speakers and learners of Indigenous languages and the land
- (b) Programs which accord recognition to elders’ traditional knowledge
- (c) Community-based language strategies, planning and policy development
- (d) A baseline language survey of language conditions in each community and linguistic nation
- (e) Equitable resources for language support which is, at a minimum, at the same per capita level as that which is provided for French language in official language minority settings.<sup>22</sup>
- (f) Programs in all federal departments, not only INAC and Canadian Heritage, but especially Justice, Health, Human Resources and Skills Development, which allow for delivery of services and programs promoting First Nations, Inuit and Metis languages in the same manner as for the French and English languages

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<sup>22</sup> The outrageous degree of inequity between funding levels for language support for French-language minority communities on the one hand, and aboriginal language communities on the other, can no longer be allowed to continue. For instance, in Nunavut, the per capita funding for French is \$4,460; for Inuit Language it is merely \$53.71. True, it represents the difference between two different programs: the Official Languages Act (for French funding) and the Aboriginal People’s Program (for Inuktuk (*sic*) funding), but this gap, in the words of the former Nunavut Languages Commissioner, Sandra Inutiq, “is almost an insult in terms of the amount per capita. You can’t help but compare. If one is receiving more than the other, you start to go down the road of creating conflict between the two groups, when really we should be supporting both groups equally...” (“Ottawa slammed for funding levels which favour French over Inuktuk: loss of Inuit language a serious concern not addressed by federal funding dollars.” Michele Le Tourneau, *Northern News Services ONLINE*. May 18, 2015.)

- (g) Funding Indigenous language immersion programs, at a level equivalent to that provided for French and English languages through the Minority Language Education component of the Development of Official Language Communities Program.
- (h) Equitable funding for First Nations schools through the Department of Indigenous Affairs and Northern Development be provided at the same level and standard as that provided to Ministries of Education through Master Tuition Agreements
- (i) A review of progress on Indigenous teacher and language teacher initiatives, relevant to recruitment and retention, with special attention to immersion language teacher training.
- (j) Funding to post-secondary institutions to enable them to establish language teacher training programs and, more specifically, immersion language teacher training programs
- (k) Funding for language and cultural programming in federal correctional institutions for First Nations, Inuit and Metis persons incarcerated there.
- (l) Funding for Indigenous university students to become proficient in their languages by entering into master-apprentice programs or undertaking other cultural education in their communities. Summer bursaries or employment programs should be made available in the same manner as is provided for French and English youth language training programs.
- (m) Funding for bursaries for Indigenous youth to attend five-week immersion courses in their languages and cultures, in the same way as is provided to French and English youth in the Second-language learning component of the Enhancement of Official Languages Program.
- (n) Additional funding, in addition to what will be available under the current commitment, for those Indigenous communities whose languages are critically endangered, in order that they may undertake additional work to preserve their languages.

**Principle iv) The preservation, revitalization, and strengthening of Indigenous languages and cultures are best managed by Indigenous people and communities**

In keeping with the reaffirmation of the nation-to-nation relationship between Indigenous peoples and the Crown through the new Royal Proclamation of Reconciliation, the proclamation would repudiate the concept of linguistic superiority of Euro-origin languages over Indigenous languages, and would recognize the validity of indigenous languages, language laws, policies, customs and uses, and further, that the vitality of indigenous languages requires that they be integral to vital indigenous cultures, communities and identities.

To this end, and to implement this principle in communities and Indigenous Nations, the federal government undertakes the following actions:

- (a) Enter into nation-to-nation dialogue and negotiation with Indigenous Nation governments with respect to their common intention to preserve, revitalize and strengthen languages. These negotiations will take place without preconditions, but will be guided by the TRC

Report, the United Nations Declaration, and the government's explicit inclusion of Indigenous language rights in section 35(1) of the *Constitution Act, 1982*.

- (b) Given the urgency of the need to preserve, revitalize and strengthen Indigenous languages, the negotiations should begin immediately.
- (c) Given the requirement that the federal government's responsibility for redress and restoration implies a liberal interpretation of federal support for community initiatives, negotiations will be carried out in the interest of providing equitable funding to that which is granted to official language communities in minority contexts. Federal support will be calculated at a per-capita rate no less than the per-capita expenditure of federal support for official language minority communities.
- (d) The result may be a Canada-wide framework agreement, in which general terms and conditions will be made available to all Indigenous treaty-holder governments, but there will be specific-circumstance terms and conditions which will relate to the particular circumstances of the Indigenous people in question.
- (e) The federal government will approve and support the desire of any Indigenous nation to declare their language as official on their traditional lands and in institutions on- and off-reserve which are governed by the nation in question or co-managed with another level of government.
- (f) The federal government will approve and support the desire of any Indigenous Nation to set up a Specific-Language Protection Act – perhaps along lines suggested by the model of the Inuit Language Protection Act of the Nunavut Government. The purpose of such an Act would be to legislate on the territory of the Indigenous Nation and in institutions outside of the territory in which the Indigenous Nation has a particular interest the following planning mechanisms to support an increase in status, development, learning and flourishing of the language in question, such as:
  - the creation of the position of Language Advocate (or Language Promoter) or equivalent term, for each language, and specifying the Advocate's responsibilities with respect to home, community, school, and with special reference to creating one or more local language committees which, among other activities, could support youth to adopt active attitudes and positions with respect to using the language, and to building bridges between speakers and semi-speakers or non-speakers in a constructive way
  - the creation of a Language Authority, ideally buttressed with a local committee of elders and stakeholder-activists, to support the language's availability for traditional and modern use; eg. the development of norms for new media, assessing current orthographic practices in the light of new needs
  - the strengthening of oral and written textual production for all ages and for all social and cultural purposes, including the strengthening of translation and interpretation
  - specifying local plans to introduce the language into certain social domains of use
  - gathering data and conducting research on community language use

- interacting with other bodies, whether federal, provincial or Indigenous with respect to sharing knowledge on any and all matters dealing with Aboriginal language promotion

**Principle v) Funding for Indigenous language initiatives must reflect the diversity of Indigenous languages.**

The TRC Report stated that:

“The TRC Commission calls for a new approach from the Canadian government, an approach that must restore the right of Indigenous communities to pursue the language and cultural initiatives that best reflect their own circumstances. This should be done, wherever possible, on a nation-to-nation basis, along the lines of the Yukon model, where the government provides language funding to self-governing nations. A pan-Indigenous approach is inappropriate, given the diversity of Canada’s Indigenous communities, their relative access to supportive measures, and the differences in the current health of the Indigenous languages used in Canada.” (vol. 5, p. 126)

In this regard, the 2005 Task Force made the following recommendation:

**“Recommendation No. 9: Funding of Critically Endangered Languages**

*We recommend:*

*That Canada provide funding, in addition to what will be available under the current commitment, for those First Nations, Inuit and Metis communities whose languages are critically endangered, in order that they may undertake additional work to preserve their languages.”*

Given that no Indigenous language in Canada is currently characterized on the UNESCO vitality scale as “safe”<sup>23</sup>, and given that most are endangered to some degree, it would be appropriate to recognize that Indigenous language rights belong to all Indigenous people, irrespective of their current level of fluency or non-fluency in the language, and irrespective of expressed desires of any individual to take or not take advantage of these rights.

Communities with critically endangered languages may also exhibit the strongest motivations to learn, and all children, students, young adults, parents, and grandparents who wish to learn their Indigenous language with this Act have the right to do so, and by doing so, strengthen the chain of transmission from one generation to the next thereby becoming an active part of a social project of personal and community healing.

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<sup>23</sup> See the breakdown of degrees of endangerment, p. 13 above.

Therefore, subject to local wishes, and as part of nation-to-nation negotiations with communities whose languages may be classified as critically endangered, the federal government should commit itself to making additional funding available to support the documentation of and learning of these languages, as well as their increase in status and use, and their vitality in whatever way and to whatever degree the local community wishes.

These are the elements which the Glendon Declaration wishes to highlight with respect to urging that the federal government develop an honourable response to the Truth and Reconciliation Commission's **Call to Action #14**, thereby giving legislative form to the explicit enshrinement of Indigenous language rights in what the Declaration urges as the government's response to **Call to Action #13**.

*Didn't the Colloquium discuss officialization? – that's the option which the Assembly of First Nations National Chief has recommended.*

There's no doubt that there is a conversation to be had with respect to officialization. National Chief Perry Bellegarde has referred to it as being his preference; the Royal Commission on Aboriginal Peoples recommended it in the 1990s, and the University of Victoria scholar Onowa McIvor has written and spoken eloquently of the value and increased status and self-respect which officializing Indigenous languages would bring.

The Glendon Colloquium discussions were driven principally by the framework set out by the Truth and Reconciliation Commission's Report. Since the TRC Commission did not specifically issue a call for officialization, nor did the 2005 Task Force, perhaps this led to the case for officialization not receiving a fair hearing at the Colloquium.

The Colloquium did not hear or declare opposition to the idea of officialization; instead, the participants were presented with a coherent constitutional legal argument based on how Aboriginal language rights could be uniquely and strongly anchored in existing domestic constitutional law (in section 35) and that the consequences which would flow from an explicit federal acknowledgement of this interpretation would be no less positive, enforceable and of long-term benefit to Indigenous languages and communities as the differently-sourced language rights of official language (French and English) minority communities.

The implications of the discussions in the present Declaration document are that officialization for Indigenous languages would not and should not be a simple copy of the official language legislation which has evolved for French and English.

Certainly, this Declaration views favourably the concept of officialization as a viable policy option which could be chosen by Indigenous Nations and which would apply on their traditional territories and elsewhere where their citizens find themselves in sufficient numbers. Such, for instance, is the case of the Kahnawa:ke Mohawk, who in 1999 passed the Kahnawa:ke Language Law, which officialized Kanien'ke:ha (Mohawk) language on their territory, independent of any federal or (Quebec) provincial level officialization legislation.<sup>24</sup>

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<sup>24</sup> For a text of the Kahnawa:ke Language Law, see:  
[www.kahnawakemakingdecisions.com/legislation/laws/docs/Language.pdf](http://www.kahnawakemakingdecisions.com/legislation/laws/docs/Language.pdf)



*What, then, is the Declaration's position on officializing Indigenous languages?*

The argument being put forth in the present discussion is that Indigenous Nations who wish to enact their own set of language rights and pass legislation to declare their language official and to set out plans for promotion and protection and use of their language in governance, justice, health, education and so forth would, following Principle iii) above, be entitled to federal government funding support. With explicit Section 35 language rights, an Indigenous Languages Act, and a form of Crown/Federal legislation recognizing the inherent rights of Indigenous Nations to designate political authority according to their own laws, Indigenous Nations will have the instruments and means to pass their own language legislation in a way which will be substantial and open the door to the possibility of linguistic revitalization, justice and reconciliation. Such a path forward suggests that the renewed Crown-Indigenous relationship expressed in a Royal Proclamation of Reconciliation should include language which highlights the importance to Reconciliation of Indigenous language and cultural revitalization.

## **Appendix C**

### **Response to the TRC Call to Action #15**

**We call upon the federal government to appoint, in consultation with Indigenous Nations, an Indigenous Languages Commissioner. The commissioner should help promote Indigenous languages and report on the adequacy of federal funding of Indigenous languages initiatives.**

Glendon Declaration:

The Crown and Her Federal Government in enacting an Indigenous Language Act must create an Office of the Commissioners of Indigenous Languages, with three national Indigenous Language Commissioners, one for the First Nations, one for the Inuit, and one for the Metis, with an ancillary

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staff complement comparable to that of the Office of the Commissioner of Official Languages, and a Commissioner's representative located in each Indigenous Nation and/or Territory to assist with the carrying out of the intent of the Indigenous Language Act. (See Appendix C for discussion)

Discussion:

*Would the creation of the Office of the Commissioners of Indigenous Languages require a separate piece of legislation, or could it be part of the Indigenous Languages Act?*

The Glendon Colloquium dealt with this Call in the context of **Call to Action #14** and proposed that the Office of the Indigenous Languages Commissioner would be legislated as part of the Languages Act.

*What would be the general nature, term of office, scope and objectives of the mission of the Commissioners?*

The Office of the Indigenous Languages Commissioners would be an independent agent of Parliament and would be responsible for achieving the objectives of, and promoting, Canada's Aboriginal Languages Act.

The Indigenous Languages Act would mandate this office and its commissioners, who would hold office for seven years, on comparable terms of employment as the Official Languages Commissioner.

Also, the scope of the responsibilities of Indigenous Languages Commissioners would include oversight of all the matters covered by the Act.

The main objectives of the mission of the Commissioners would include:

- (1) ensuring that the constitutionally-enshrined Indigenous language rights, as described in the Act as guaranteeing the protection, revitalization and promotion of Canada's Indigenous languages, are being respected and are contributing to the flourishing of Indigenous languages, in such indicators as social use, number of speakers, domains and activities in which the language is present, for instance in immersion schooling and use of the language as a language of instruction.
- (2) According special attention to critically endangered languages
- (3) Preserving and developing Indigenous language communities
- (4) Promoting, through public education and media an wider awareness of Indigenous language rights, both in Indigenous and in non-Indigenous sectors of Canadian society
- (5) Investigating complaints with respect to possible infringements of Indigenous language rights and instigating court remedies
- (6) Acting as an ombudsman on behalf of those concerned with aspects of the Act, to ensure a more effective response from the federal government in respect of the Act

- (7) Ensuring that teachers and parents, youth and students, have a place to share their stories of language learning success
- (8) Commissioning research studies to investigate important aspects of Indigenous language policy, language use, teaching and learning, language documentation and development, and such research as may contribute to the effective carrying out of the provisions of the Act
- (9) Interacting nationally with languages commissioners in Nunavut and the NWT, and internationally with language commissioners concerned with Indigenous languages, such as the Maori Language Commission, the Sami, and others. Representing Canada at meetings of the United Nations on matters related to the application of the UNDRIP Declaration.
- (10) Annual reporting to Parliament and to Indigenous Nations on the state of Canada's Indigenous languages and the adequacy of federal funding of Indigenous languages initiatives.

*Is there any value in making comparisons between the historic mission of the Indigenous Languages Commissioners towards bringing about reconciliation through restorative linguistic justice and the similar historic reconciliatory task promoting linguistic justice, begun 50 years ago, of the Office of the Commissioner of Official (i.e. French/English) Languages?*

Yes. In terms of the dimension of the mission, we note that the Office of the Official Languages Commissioner currently has a staff of 172 personnel, including staff in both regional offices and in Ottawa. Despite the wide scope and complexity of its responsibilities, it must be said that there are only 2 languages concerned, neither of which can be classified as endangered, except in circumstances of small minorities outside the territorial heartland of official language majority communities.

Indeed, comparisons between vulnerable official language minority communities (enjoying well-recognized federal policies promoting their flourishing) and the endangered Indigenous language communities (lacking federal policy promoting their flourishing) has been a constant theme in these discussions.

However, in terms of the dimension and complexity of what might be called the "restorative linguistic justice task" toward the two groups, and the consequent task of the two language commissioners' offices, a comparison is illuminating.

For one thing, both English and French enjoy a high degree of vitality nationally and internationally, are certain to survive into the next century, and powerfully anchored in a regime of constitutionalized language rights and legislation refined and strengthened over half a century. If for whatever reason English or French lost vitality in North America, they would be not lost to humanity, since their original, largely monolingual, European homelands would still remain.

None of these conditions apply to Canada's Indigenous languages. It is far from certain that they will survive into the next century; all of them are vulnerable; they have no constitutional

or legislative protection and their speakers have suffered a century of state-mandated church-delivered genocide, both cultural and linguistic. If they are lost, there is no foreign homeland which will preserve and protect them. Their homelands are here; there is no other homeland on which they are safe. They must be made safe here.

*What does this mean for the scope and staffing level of the Office of the Indigenous Languages Commissioners?*

Simply put, it means that the scope of the work and responsibilities of an Office of the Indigenous Languages Commissioners is not likely to be smaller or less complex, or less important as a defining characteristic of Canada's values than that of the Office of the Official Languages Commissioner.

The complexity of the number of languages, the tripartite nature of the constitutional definition of "Canada's Indigenous Peoples", the issue of a young and fast-growing indigenous population, complexities surrounding ensuring that rights are extended both to on-reserve and off-reserve populations, and also to urban and rural locations of bands, the need to consider the critical issue of language rights being extended to non-status First Nations populations and the associated need for negotiations with Indigenous Nations on this question, and the need to be represented at the community level, not to mention the obvious fact that this would be a new Office on a steep learning curve.

These are just a small set of circumstances which suggest that the staffing level of the Office of the Indigenous Languages Commissioners should be at least comparable to that of the Official Languages Commissioner.

*How could the Commissioners' Office serve to strengthen the link between "top-down" and "bottom-up" language policy and planning?*

As discussed above, one of the main functions of the Office of the Indigenous Languages Commissioners would be to strengthen the essential link between "top-down" Canada-wide policy framework and local "bottom-up" activities – "where people actually live, communicate and decide which language they will actively use".

How to bring this about? In the discussion above, we recommended that the federal government, in its early negotiations with Indigenous governments, look positively upon requests for federal support for local, community-based, planning. One aspect of a local plan would be the creation of a position of Language Advocate or Language Promoter, and this individual would be designated by the Indigenous Nation government, although the salary and office support would be the responsibility of the federal government.

Each Indigenous Nation's Language Advocate/Promoter would, under this arrangement, be associated both with the Indigenous Nation government and with the Office of the Languages Commissioner, providing a strong link between policy and planning. Overall, there should be fair and, subject to consultation with Indigenous Nations, equitable representation from each Indigenous language community or linguistic nation (that is, an entity made up of several FN

communities speaking a variety of the same language)<sup>25</sup> or confederacy of several nations or province-wide representative entity, with fair representation from each province and territory, as well as of languages exhibiting all degrees of vitality (eg. from “critically endangered” to “vulnerable”).

*Did any of the three pieces of legislation considered in the **Call to Action #14** discussion recommend the creation of an Indigenous Languages Commissioner?*

None of the three pieces of legislation did, nor did the 2005 Task Force. This is a TRC innovation, although there are Languages Commissioners in Nunavut and the Northwest Territories, but whose scope of action spans French and English minority rights as well as those of the respective territorial Indigenous official languages (2 in Nunavut, 9 in the NWT).

*What about the idea of three Commissioners – one each for First Nations, Inuit and Metis?*

The Glendon Colloquium heard a convincing argument in favour of establishing the Office of the Indigenous Language Commissioners as including three Commissioners rather than one: i.e. one distinct Commissioner each for First Nations, Inuit and Metis. It was recalled that the 2005 Task Force Report was notably rejected not only by the Harper government, but also by each of the three national Indigenous organizations, largely on grounds that their strong preference was for FN-specific, Metis-specific, and Inuit-specific policies.

*To summarize...*

In conclusion, the Glendon Declaration endorses **Call to Action #15**, and recommends that the Office be legislated in the proposed Indigenous Languages Act, be endowed with sufficient staff and regional coverage to adequately oversee the application of the Act at the community level and the proposed ten objectives of the Commissioner, not least of which is the TRC’s explicit requirement that there be a Commissioners’ annual report annually on the adequacy of federal government funding levels to support the promotion and protection of indigenous languages.

## Appendix D

### Responsibilities of Post-Secondary Institutions

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<sup>25</sup> The concept of “linguistic nation” is not one specifically used by Pam Palmetter (in her 2011 book *Beyond Blood: Rethinking Indigenous Identity* (Saskatoon: Purich Publishing, p. 144) but her discussion of how Indigenous nations were divided into small, localized bands under the *Indian Act* regime, and now need to regain control over their citizenship and community membership, closely relates to this issue.

The TRC said: reconciliation is not an indigenous problem; it is a Canadian problem. It is a historic mission for all Canadian educational institutions, and for post-secondary institutions in particular. In support of reconciliation, many universities have already taken steps to accept their historic responsibilities to educate themselves and their communities on the issues involved, starting with the University of Manitoba, where the National Centre for Truth and Reconciliation is located.

## **Report on key recommendations**

### **1. Post-secondary Institutions must develop collaborative funding models to support Indigenous language initiatives**

The TRC Report issued a call to action to post-secondary institutions to create programs whose graduates will be on the path to becoming fluent speakers of one or more indigenous language.

This will take funding and commitment. We must recognize that language is part of a whole; it needs to be integrated with content and should engage with history and politics. It should result in cultural production in addition to knowledge production.

Collaboration should at least be defined to include rights-bearing Indigenous peoples, including First Nations, Metis, Inuit and Non-Status Indians, where applicable.

Some Calls to Action pertain to Faculties of Education, such as:

**Call to Action #62 ii.** Calls for governments at all levels, in consultation and collaboration with survivors, Indigenous peoples, and educators to provide the funding necessary to post-secondary institutions to educate teachers on how to integrate indigenous knowledge and teaching methods into classrooms.

All faculties, however, can assess the extent to which indigeneity is already, or can be, integrated into their curricula, their hiring practices, their recruitment and retention practices, and their outreach practices. The Commission highlights the importance of this exercise being taken seriously by faculties and post-secondary programs in the fields of education, law, medicine, social work, child welfare, governance, public and international affairs, sport, linguistics, language and language policy, sociology, anthropology, religious studies, history, Canadian studies, native studies, environmental studies, immigration and refugee studies, museology, media studies, and business – especially sectors which involve indigenous peoples and their lands and resources.

The phases of indigenization of a post-secondary institution may or may not follow the phases proposed by Onondoga scholar David Newhouse with respect to universities:

1. Bringing our bodies into the university, improving enrolments, targeted programs of special interest to Indigenous peoples;
2. Bringing our cultural practices into the university, creating spaces for feasts, powwows, Elders and traditional peoples;

3. Bringing our knowledge and creating a place for it in the praxis of the university; research and teaching, engaging Indigenous knowledge holders as academic instructors and researchers;
4. Spreading indigenous knowledge beyond its foundational area; Indigenous knowledge and knowledge holders appear in other parts of the university: philosophy, business, education, environmental studies, literatures, politics, etc.<sup>26</sup>

## **2. Establishment of Post-secondary TRC Committees**

There should be a permanent TRC committee established within post-secondary institutions, reporting to the President, to help set up and monitor an institution-wide framework, with substantial indigenous representation, to reply to Calls to Action and in each post-secondary institution and component thereof, to give meaning to the concept of indigenization in their institution.

### **3. Community building: inside the university and between the university and Indigenous communities and Indigenous community-based organizations and Indigenous community-based organizations, including Indigenous-controlled educational institutions.**

There is a desire to learn in indigenous communities and among indigenous students. But also we should teach the language to adults, considering occupation-specific language training, the development of work-study programs with indigenous community-based institutions, and investigating the potential labour market for indigenous language teachers, interpreters, translators, administrators and service providers. We need to learn about the land, develop work-study programs with practicum components. Make links with communities; engage language speakers and certify those who already speak the language.

If a university engages in recruiting indigenous students: consider a transitional year program to equip a diverse student body with tools, since there may be a gap when students arrive at the post-secondary level. Also, safe spaces must be created. A group to consider is this: elders who have never been to high school and are re-thinking needed qualifications.

### **4. Varying qualifications and credentials of Indigenous people must be recognized and honoured**

With respect to recruiting and hiring indigenous scholars: for various reasons, indigenous scholars come to the academy with varying credentials, and these need to be acknowledged for purposes of hiring and granting tenure. Indigenous knowledge holders may never have gone to high school, and the post-secondary institutions need to be open to accepting alternatives to paper credentials.

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<sup>26</sup> See David Newhouse “The meaning of Indigenization in our universities” in the *Bulletin of the Canadian Association of University Teachers* June 2016. Available online at: [https://www.cautbulletin.ca/en\\_article.asp?articleid=4218](https://www.cautbulletin.ca/en_article.asp?articleid=4218)

It must be acknowledged that the post-secondary process is racially biased, saturated with unexamined Eurocentric epistemologies and practices, and has excluded indigenous peoples and their rich and varied experience. We assert that work/life/political experience is meaningful, that service in lodges/longhouses is meaningful, and that traditional knowledge is meaningful and these should be worked into the collective agreements of faculty associations and have meaningful implications on the pay scale. This is especially important, as often universities hide behind collective agreements for rationale as to why they cannot (or rather, will not) provide equitable opportunities and pay for Indigenous scholars.

We applaud those provincial governments which develop policies for Indigenous-controlled post-secondary institutions, allowing them, for instance, to provide funding for assistants working with elders in classroom settings, particularly where elders are lead instructors. This is a huge step forward in acknowledging traditional education practices and building bridges between traditional Indigenous education and Western academia, and valuing the labour of mentees.

#### **5. There must be cross-training and collaboration across university administrations, programs and faculty**

Universities can establish standards. We can explore collaborations between universities concerned with indigenous languages, using distance education and technology. Adults and young adults who are interested in learning (or learning more of) an indigenous language often would like to integrate language into their world of work. To respond to this demand, occupation-specific indigenous language training should be present in the curriculum. More and more, content and language integrated approaches are being used, and the content dimension of indigenous language courses should engage with history and politics.

#### **6. Certification and post-secondary programs that include Indigenous languages**

As an essential part of a community language promotion plan, there needs to be a database of language human resources both (a) existing (b) required to teach the language in the future (i) as a second language (ii) as a language of instruction in content subjects. For all aspects of a community language promotion plan, the language sector of the local economy needs to be developed. Post-secondary programs which certify speakers and teachers serve a vital need for scholars graduating who can speak the languages and can become certified to teach. Post-secondary programs need to work with communities to strategize to focus on innovative programs using existing resources, to meet community needs and plans.

#### **6. Indigenous cultural competency training for all post-secondary governors/regents, administrators, faculty and staff**



Bringing an indigenous presence in a non-indigenous post-secondary institution is an opportunity for learning, intercultural dialogue and growth. Each institution will meet this challenge in its own way, but the Glendon Colloquium heard of examples of required courses on indigenous history, on decolonization, on the Truth and Reconciliation Commission. Many institutions are starting to include declarations of their specific traditional Indigenous territory into their public protocols, and acknowledging the contemporary presence of Indigenous peoples on that territory. There is also a role for Indigenous language teaching as an entry-point for Indigenous cultural competency to develop among non-Indigenous students, faculty, staff and administrators. Clearly, this will be an area on which to share experiences across Canada's institutions in the future.

It should be added that this Indigenous cultural competency work should be specific to the territory of the institution, and it should speak specifically to Indigenous/non-Indigenous relations. This is, after all, the point of Reconciliation.

## **Appendix E**

### **Background Documents**

#### **Background Documents**

In preparation for the event, the Colloquium Planning Committee sent out the following message. We hoped that all participants would familiarize themselves with the following documents, and would propose other documents to enrich our discussions.

1. Four fundamental documents for our discussion:

*Canada's Residential Schools Final Report: The Legacy* (2015) Especially Chapter 3 "I Lost my Talk" pp. 103-139.

*United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP)*, especially Articles 13, 14 and 16.

*Towards a New Beginning: A Foundational Report for a Strategy to Revitalize First Nation, Inuit and Metis Languages and Cultures.* Task Force on Aboriginal Languages and Cultures. Canadian Heritage. June 2005. Available for downloading at the AFN site: <http://www.afn.ca/uploads/files/education2/towardanewbeginning.pdf>

“Linguicide: A Crime against Humanity” is an updated reflection by Amos Key Jr which was not included in the 2005 Task Force report.

2. Other relevant documents include the following:

AFN National First Nation Language Strategy (Halifax, 2007) and recent calls by Chief Perry Bellegarde for declaring all Indigenous languages official and for universities to fulfill the TRC Calls to Action:

<http://www.afn.ca/uploads/files/education/languagesnationalstrategy2007.pdf>

<http://www.theglobeandmail.com/news/politics/afn-asks-ottawa-to-declare-all-aboriginal-languages-official/article25378218/>

<http://www.afn.ca/en/news-media/latest-news/11-18-15-afn-national-chief-perry-bellegarde-says-universities-must-pl>

3. Related Nunavut legislation and GN territorial comprehensive plan:

Government of Nunavut. *Inuit Language Protection Act and Official Languages Act*, both available at: <http://langcom.nu.ca/>

*Uqausivut: The Comprehensive Plan pursuant to the Official Languages Act and the Inuit Language Protection Act 2012-2016*, at [www.ch.gov.nu.ca/en/uqausivut](http://www.ch.gov.nu.ca/en/uqausivut).

4. From the office of the (now former) Nunavut Languages Commissioner Sandra Inutiq:

Press release concurring with the TRC Report: <http://langcom.nu.ca/press-releases>.

Description of the role of the GN Languages Commissioner: <http://langcom.nu.ca/role-languages-commissioner>

Sandra Inutiq. *Indigenous Languages: Preservation and Revitalization: Articles 13, 14 and 16 of the United Nations Declaration of the Rights of Indigenous Peoples* (United Nations, New York. International Expert Group Meeting. 19-21 January, 2016)

5. Sample federal (Senate) proposed legislation (Bill S-229, June 9, 2015), 6“An Act for the advancement of the Indigenous languages of Canada and to recognize and respect Indigenous language rights” at: <https://openparliament.ca/bills/41-2/S-229/>

6. The University of Ottawa's Site for Language Management in Canada (SLMC) surveys the constitutional landscape with respect to indigenous languages:

[https://slmc.uottawa.ca/?q=native\\_legal](https://slmc.uottawa.ca/?q=native_legal)

Laval University (Jacques Leclerc) has a specific site devoted to indigenous language policy in Canada:

<http://www.axl.cefanelaval.ca/amnord/cndautocht.htm>

7. The Canadian Heritage ALI Program was evaluated in this 2003 document:

<http://publications.gc.ca/collections/Collection/CH34-12-2003E.pdf>

8. Selected provincial material

*A Guide to Policy and Planning for B.C. First Nations Communities*. First Peoples Cultural Council(2013) is a model of comprehensive provincial action and is available at: [http://www.fpcc.ca/files/PDF/Language\\_Policy\\_Guide/FPCC\\_Policy\\_Guide\\_2013.pdf](http://www.fpcc.ca/files/PDF/Language_Policy_Guide/FPCC_Policy_Guide_2013.pdf)

Also the *FPCC Report on the Status of B.C. First Nations Languages*. (2010) and the second edition (2014) are available at:

[www.fpcc.ca/.../2010-report-on-the-status-of-bc-first-nations-languages...](http://www.fpcc.ca/.../2010-report-on-the-status-of-bc-first-nations-languages...)

[www.fpcc.ca/files/.../Language/FPCC-LanguageReport-141016-WEB.pdf](http://www.fpcc.ca/files/.../Language/FPCC-LanguageReport-141016-WEB.pdf)

Mi'kmaq Education Act of 1998 (a federal govt bill, applicable to Mi'kmaq of Nova Scotia):

<http://laws-lois.justice.gc.ca/eng/acts/M-7.6/index.html>

and there is its provincial counterpart, the Mi'kmaq Education Act, available at:

<http://nslegislature.ca/legc/statutes/mi'kmaq%20education.pdf>

Manitoba's Aboriginal Languages Recognition Act of 2010:

<https://web2.gov.mb.ca/laws/statutes/ccsm/a001-5e.php>

9. An example of legislation at the local community level is the Kahnawa:ke Language Law (1999, 2007):

<http://www.kahnawake.com/council/docs/LanguageLaw.pdf>

10. Two essential articles (one in English, one in French) arguing the constitutional law case for educational and other aboriginal language rights:

“Canada’s Native Languages: the Right of First Nations to Educate Their Children in Their Own Languages” by David Leitch, *Constitutional Forum* vol. 15, Number 3, 2006.

A related article is by the Ottawa lawyer Gabriel Poliquin “La protection d’une vitalité fragile: les droits linguistiques autochtones en vertu de l’article 35” *McGill Law Journal/Revue de droit de McGill*, vol. 58, no 3, 2013, p. 573-605, available at: [http://lawjournal.mcgill.ca/userfiles/other/56583-Article\\_2\\_Poliquin.pdf](http://lawjournal.mcgill.ca/userfiles/other/56583-Article_2_Poliquin.pdf)

11. A “large but incomplete” data base of articles on indigenous language literacy has kindly been made available to participants by Barbara Burnaby, and is going out as an email attachment to the cover letter.

12. Latest Statistics Canada report on aboriginal languages of Canada is at:

[https://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011003\\_3-eng.cfm](https://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011003_3-eng.cfm)

Mary Jane Norris’ 2006 paper on indigenous language revitalization, with statistical, census-based, analysis: [http://apr.thompsonbooks.com/vols/APR\\_Vol\\_3Ch11.pdf](http://apr.thompsonbooks.com/vols/APR_Vol_3Ch11.pdf)

Recent material contributed by Mary Jane Norris:

[Indigenous\\_Languages\\_Highlights\\_Norris\\_May\\_2016.pdf](#)

[Indigenous\\_Languages\\_Can\\_MJ\\_Norris\\_June\\_3\\_2016.pdf](#)

13. Onawa Mclvor (Director, Indigenous Education, U. Victoria) speaks on national recognition/regional implementation of AFN’s call for official language status of Canada’s indigenous languages at:

<http://www.cbc.ca/news/making-indigenous-languages-official-in-canada-1.3147762>

An article by Mclvor, advocating immersion education and discussing relevant international experience (eg. Maori, Native Hawai’ians) with respect to full immersion programs for full fluency as a precondition for language revitalization is available at: <http://www.ecdip.org/docs/pdf/Language%20Revitalization%20&%20Mainte>

[nance%20MCIVOR-CLLRNET.pdf](#)14. The related issue of a First Nation Education Act, with dedicated funds to indigenous language promotion was advocated in the 2011 Senate Report *Reforming First Nations Education: From Crisis to Hope*, available at:

<http://www.parl.gc.ca/Content/SEN/Committee/411/appa/rep/rep03dec11-e.pdf>

15. Other North American (U.S. and Mexico) indigenous language legislation of interest:

The Native American Languages Act of 1990:

<http://www2.nau.edu/jar/SIL/NALAct.pdf>

and in 2006, the Esther Martinez Native American Language Preservation Act with its emphasis on adequate funding for immersion programs:

<https://www.govtrack.us/congress/bills/109/hr4766/text>

and a useful article assessing these bills' effectiveness:

<https://www.culturalsurvival.org/news/native-american-languages-act-twenty-years-later-has-it-made-difference>

Mexico's 2003 General Law on the Rights of Indigenous Peoples' Languages included the establishment of a National Indigenous Languages Institute (INALI), which has taken the lead in the 2008-2012 National Indigenous Languages Revitalization Plan, available (in Spanish) at:

[http://www.wipo.int/wipolex/en/text.jsp?file\\_id=220918](http://www.wipo.int/wipolex/en/text.jsp?file_id=220918)

<http://www.inali.gob.mx>

<http://www.inali.gob.mx/pdf/PINALI-2008-2012.pdf>

16. Beyond North America:

Maori language legislation, officialising Maori and creating the Maori Language Commission:

<http://www.legislation.govt.nz/act/public/1987/0176/latest/whole.html>

and a recent critical assessment of Maori language policy and planning by Rawinia Higgins, in her lecture on "Normalizing the Maori language" on July 2015:

[https://www.youtube.com/watch?v=1d\\_h8MW0qwI](https://www.youtube.com/watch?v=1d_h8MW0qwI)

## Appendix F

### Colloquium Participants

#### Colloquium Participants

*Honorary Opening Speaker:*

National Chief Phil Fontaine

*Welcome of Mr. Fontaine and Acknowledgement of Indigenous Territory:*

Donald Ipperciel, Principal, Glendon College

*Planning Committee:*

Amos Key, Jr    Language Policy Coordinator, Woodland Cultural Centre, Brantford, and  
Member, Task Force on Aboriginal Languages and Cultures *Toward a New  
Beginning*

Maya Chacaby    Linguistics and Language Studies Program, Glendon College, York and  
Senior Researcher, Ontario Federation of Indigenous Friendship Centres

Ian Martin        English Dept. and Master's in Public and International Affairs,  
Glendon College, York

Jean Michel Montsion    Dept. of Political Science and Master's in Public and  
International Affairs, Glendon College, York

*Invited Participants:* (\* indicates a representative of a sponsoring body)

Callie Hill        Executive Director, Tsi Tyonnheht Onkwenna Language Centre,  
Kenhteke, ON.

Sheryl Lightfoot    Professor and Canada Research Chair, Indigenous Rights and the UN  
Permanent Forum on Indigenous Rights, University of British Columbia.

Lorena Fontaine    University of Winnipeg

Mary Jane Norris    FEL (Foundation for Endangered Languages) Canada, and independent  
Researcher, Ottawa; formerly with Statistics Canada, and Indian and  
Northern Affairs, Canada

Sean Meades        PhD Candidate, York, and Shingwauk College, Algoma U., Sault Ste Marie

Stephanie Pile     Language Archivist, Woodland Cultural Centre, Brantford.

\*Marta Marin-Domine    Director, Centre for Memory and Testimony Studies, Wilfred Laurier  
University

\*Bonnie Whitlow    Mohawk instructor, Wilfred Laurier University, Brantford Campus, and

- Board Member, Onkwawenna Kentyohwa Language Program, Six Nations  
 Rosie Mosquito Executive Director, Oshki-Pimache-O-Win Education and Training  
 Institute, Thunder Bay
- Gordon Kakegamic, E-Learning Coordinator/AMSTEP Project Lead, Oshki-Pimache-O-Win  
 Education and Training Institute, Thunder Bay
- Bonita Lawrence Dept. of Equity Studies, LA&PS, York
- Randy Pitawanakwat Coordinator, Aboriginal Student Services, York
- Signa Daum Shanks Osgoode Law School, York.
- Rebecca Jamieson President and CEO, Six Nations Polytechnic
- Donna Debassige M'Chigeeng FN and Wikiwemikong FN
- Bonnie Maracle First Nations House U of Toronto and Victoria University
- Michelle Ardis Davis Executive Director, Ontario Native Literacy Coalition
- Lyse Hebert Translation Studies, Glendon, York
- Ravi da Costa Associate Dean, Faculty of Environmental Studies, York.
- Ali Kazimi Dept of Cinema and Media Arts, School of the Arts, Media, Performance  
 and Design, York
- \*Elaine Gold Linguistics Dept, U of Toronto and Director, Canadian Language  
 Museum
- \*Marcia Zuker Director, Canadian Language Museum Executive
- \*Katherine Snider McNair Executive Assistant, Canadian Language Museum
- Keren Rice Linguistics Dept, U of Toronto
- Alana Johns Linguistics Dept, U of Toronto
- Jean O'Meara Dean, Faculty of Education, Lakehead University, Thunder Bay
- Allyson Eamer Faculty of Education, University of Ontario Institute of Technology
- Barbara Burnaby Memorial University, St. John's NL.
- \*Maria Constanza Guzman Director, Graduate Program in Translation Studies  
 Glendon/York, and Director, Centre for Research in Language and  
 Culture Contact, Glendon/ York
- Joshua M Price Translation Studies and Anthropology, SUNY Binghamton, NY
- \*Roberto Perin Director, Master's in Public and Indigenous Affairs, and History Dept.,  
 Glendon College, York.
- \*Kenneth McRoberts Director, Glendon School of Public and International Affairs,  
 Glendon College, York.
- Francis Garon Dept of Political Science and Master's in Public and International Affairs,  
 Glendon College, York
- Brian Morgan English Dept., Glendon College, York
- Bruce Connell Linguistics and Language Studies Program, Glendon College, York
- Neal B. Keating Anthropology, SUNY Brockport, NY
- Carrie Dyck Associate Dean of Arts, Memorial University, St. John's
- David G. Leitch Lawyer, Member of Executive, Aboriginal Section of Ontario Bar Assn.
- Ruth Koleszar-Green School of Social Work, LA&PS, York
- Alison Norman Research Associate, School for the Study of Canada, Frost Centre of  
 Canadian Studies and Indigenous Studies, Traill College, Trent Univ.,  
 Peterborough
- Philip Golding Chair, Advisory Committee on Nomenclature, Policy and Research,  
 Geographic Names Board, Canada. Ottawa

Marianne Maclean Principal, Eigg Road Consulting  
 Eve Haque Dept. of Languages, Literatures and Linguistics, LA&PS, York  
 Patricia Shaw Founding Chair, UBC First Nations and Endangered Languages Program,  
 and Dept of Anthropology, University of British Columbia  
 Ivona Kucerova Dept. of Linguistics, McMaster University  
 Jessica Parish Doctoral candidate, Political Science, York  
 Alejandro Torres English Dept, Glendon, York  
 Hannah McGregor MA Candidate, Dept. of Anthropology, Western U., London  
 Glen Morrison Policy Director DCH, Gatineau PQ  
 Colin Ellis Producer, The Agenda with Steve Paikin, TVO  
 Romaine Mitchell Education Officer, Aboriginal Education Office, Ottawa-Barrie Region  
 \*Colin Coates Canadian Studies, Glendon. Fmr. Director, Robarts Centre for Canadian  
 Studies, York  
 Geoffrey Ewen Coordinator, Canadian Studies Program, Multidisciplinary Studies Dept.,  
 Glendon, York  
 Christina Clark-Kazak Associate Principal, Research and Graduate Studies, and Dept. of  
 International Studies, Glendon, York

Participating by skype :

Sandra Inutiq Languages Commissioner, Government of Nunavut, Iqaluit

Observers and Note-Takers:

Students in the Glendon Master's Program in Public and International Affairs (MPIA)

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 Centre for Memory and Testimony Studies, Wilfred Laurier University

DECLARATION DRAFTING COMMITTEE

Maya Chacaby

Amos Key, Jr.

Ian Martin



## Appendix G

### Glendon Colloquium: Program Feb 9, 2016

#### Program and Expectations

The current draft program for the Colloquium is as follows:

10:00 am	Welcome
10:30	Plenary discussions on the 4 TRC Calls to Action
12:00 pm	Lunch
1:00	Working groups, each one taking one of the Calls to Action
2:30	Coffee break
3:00	Reports to plenary, drafting of a Declaration and Next Steps
5:00	Closing remarks

The overall aim of the day is to produce a public Declaration and Next Steps document, directed to all those who can turn the Calls into Actions.

The morning plenary session offers participants an opportunity to draw upon their experiences and expertise and start the process of “turning Calls into Action.” The ideas put forward in the morning will serve as input to the four afternoon working groups, each one focussed on a particular Call. These working group will consolidate the morning’s ideas into a coherent plan, which will then become part of the Declaration.

Participants may or may not wish to contribute a written statement for presentation to the morning session, or more than one statement, according to the number of Calls you wish to address. These written statements should be sent in prior to the Colloquium (up to February 7) and we will make copies for everyone. Or, you may prefer instead to make a brief oral presentation or comment on the Calls, and your idea will be noted on flip charts by our note-takers and passed on to the appropriate afternoon working group.

The morning plenary – with participants sitting in a large semi-circle - proceeded in turn through the four Calls, with “broad stroke” comments and instructions to the working groups limited to 30 minutes on each Call.