

## **Chronology of the Indigenous Languages Act 2015-2023.** (Ian Martin for COO conference Feb 2023)

### **2015 - The TRC Report**

December – Truth and Reconciliation Report sets out three Calls to Action, calling on the federal government to, among other things:

#13: acknowledge that Indigenous rights include language rights. #14: enact an Indigenous Languages Act, and #15: appoint an Indigenous Languages Commissioner.

### **2016 - PM announcement**

December – PM Trudeau announces his government’s intention to enact an Indigenous Languages Act

### **2017 – Co-development principles are agreed upon. Consultations begin.**

June: A co-development plan is decided at a meeting of the AFN (First Nations), MNC (Metis) and ITK (Inuit) with the Minister of Canadian Heritage, Melanie Joly. Six principles are agreed upon, including (i) distinction-based, not pan-Indigenous, legislation (ii) Indigenous-controlled education systems are important, (iii) adequately-funded regional infrastructure to support local efforts, (iv) importance of relationship to land, Indigenous identity and worldviews; (v) language rights are inherent rights and treaty rights; (vi) acknowledgement of harms of past government practices.

The National Indigenous Organizations begin to consult their constituencies. Heritage (DCH) began to hold meetings with experts and organizations, with 20 engagement sessions across the country. The words ‘education’ and ‘schooling’ are absent from the Heritage report on these sessions. “Rights” are mentioned, but not “enforceability”. Federal duties and obligations are also absent from their report.

December: the AFN declares that it will be guided by 11 principles. Among other things, they call for an affirmation of the Calls to Action and the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), the articulation of enforceable individual and collective rights, articulation of federal obligations, duties and authorities, and funding. No mention of provinces and territories is made in the AFN document, whereas “dialogue with provinces and territories” is part of the Heritage list.

### **2018 – Gaps begin to show between government and Indigenous organizations**

The Inuit break off negotiations, declaring that the co-development process is flawed and that they prefer to negotiate alone with the federal government.

Another round of cross-Canada engagement sessions is organized, but there is no DCH report forthcoming. There is an AFN document, however.

December: The AFN document *Co-developing the Indigenous Languages Act* affirms 12 principles, calling for the Commissioner’s Office to add three directors, one each for FN, Metis and Inuit; to uphold UNDRIP principles; that Aboriginal and Treaty rights are upheld; that Article 14 of UNDRIP be guaranteed (the right of Indigenous Peoples to be empowered to have Indigenous educational institutions teaching in the Indigenous language and following cultural methods of teaching); that regional infrastructure be set up to support local efforts; that adequate predictable sustainable long-term funding mechanism be established to replace Heritage’s annual project funding model.

## **2019 - The Bill C-91 is introduced, critiqued, slightly amended, and becomes law**

Feb 7 The Bill C-91 is introduced in the House of Commons. Romeo Saganash notes that it gives only *weak* support to Indigenous language rights and made only scant mention, and only in the preamble, of UNDRIP rights.

Reception among Indigenous commentators was not positive. “mere lip service” “a lost opportunity” “a very mild suggestion that we revitalize Indigenous languages” “no firm, concrete commitments to create immersion schools”, “no specific First Nation right that is actually granted or recognized”, “no declaration of Indigenous languages as official languages”, “no right to learn or be educated in an Indigenous language” - were some of the comments appearing immediately after the Bill was presented.

### February to April

Committee hearings on the Bill in the House Standing Committee on Canadian Heritage and in the Senate Standing Committee on Indigenous Affairs. Approximately 55 witnesses appeared before the two committees. Based on a selection of 20 witnesses who submitted written briefs, and 12 themes – mentioned by at least two witnesses have been analyzed. The two most mentioned concerns expressed before the House of Commons Committee were:

The lack of clarity in the Canada-Indigenous relationship, including several who opposed any mention of the provinces playing a role in the relationship, and

Indigenous language rights are weak, unspecified and would not stand up in a court of law.

The two most mentioned concerns expressed before the Senate Committee were:

No protection of language rights, via the Charter or via official status, and no legal redress for infringement of rights.

What is needed is stable core funding for Indigenous languages, not short-term project-based, and clear financial flows.

These witnesses won a few amendments: the inclusion of Indigenous sign languages, the requirement of the Act to be reviewed by Parliament every three years (not five).

June 21 The Bill receives Royal Assent and the Indigenous Languages Act becomes law.

## **2020 - Call for applications for Commissioner**

There is a call for applications for the position of Indigenous Language Commissioner and the three Directors.

## **2021 – The Commissioner is chosen. The UNDRIP Act (C-15) becomes law.**

July Ron Ignace is named Indigenous Languages Commissioner.

The federal government passes Bill C-15, the United Nations Declaration of the Rights of Indigenous Peoples Act (UNDRIPA). It announces that a Task Force will be set up under the Department of Justice to draft an Action Plan for implementation. The target for publication of the Action Plan is June 2023.

**2022 – Processes get established under the new laws C-91 and C-15**

Heritage moves forward to discuss funding flows so that project funding can be replaced by multi-year funding.

Dept of Justice undertakes engagement sessions on various phases of its drafting of its UNDRIPA Action Plan.

The Office of the Indigenous Language Commissioner gets established and located.

**2023 – Important developments: the two legislative initiatives for Indigenous languages intersect**

June The Dept of Justice Action Plan on UNDRIPA will be made public.

Fall The three-year review of the Indigenous Languages Act will be conducted by a Parliamentary Committee. Will C-91 be amended to incorporate the language rights defined in UNDRIP, especially Article 14 on language in education, and will these rights be honorably funded and capable of being upheld in a court of law?