

**Bill C-91, An Act respecting Indigenous languages**

**Speaker: Katsi'tsakwas Ellen Gabriel**

**By: Kontinóhstats – Mohawk Language Custodian Association**

**In collaboration with Linda Cree**

**Shé:kon – Wa'tkwanonwerá:ton – Greetings and Thank you**

**Katsitsakwas iontia'ts, Wakeniahton tánon Kanehsatà:ke nitewaké:non.**

**Niá:wen tsi waskwahónkaron**

*[Greetings and thank you, my name is Katsi'tsakwas, I am Turtle Clan and I am from Kanehsatà:ke]*

After the Indian Residential School apology on June 2007 a Kanehsatà:ke elder remarked:

*"100 niiohserá:ke nikarí:wes wa'hotiio'ten aontónte ne Onkwawénnashón:'a,  
100 ki' niiohserá:ke nikarí:wes ne aietsi'tewaié:na ne Onkwawén:na."*

*Hilda Nicholas*

*"It took over 100 years to get us to this point, it is going to take at least 100 years to bring back our languages to life", Hilda Nicholas, director of the Tsi Ronteriwanonhnha ne Kanien'kéha ne Kanehsatà:ke*

During my presentation I will use the Kanien'kéha word for "Indigenous peoples which is **Onkwehón:we** as it best describes the First Peoples of Turtle Island.

We are very happy to have this opportunity to discuss Bill C-91 to move towards respecting and strengthening the protection of Onkwehón:we languages in Canada.

I also want to state that each Onkwehón:we language is distinct, and that a First Nations language does not exist, there is a wide diversity of languages of the First Peoples Canada calls First Nations ; therefore each language should be treated distinct and unique amongst World languages.

In order to find solutions, we need to **contextualize the realities** we face under ongoing **colonization and assimilation**. Therefore Bill C-91 must be amended and vague statements must be revised to strengthen its intent of protecting and respecting Onkwehón:we languages. It must remind Canada of its international human rights obligations and uphold the highest standards of human rights

I want to describe the preciousness of Our language: it is the very essence of Onkwehón:we peoples; and it is deeper than a form of expression or communication. It contains our cosmology, our constitution, our value system, our history and traditional knowledge systems are weaved into our

languages. Our ceremonies that follow the rhythm of the natural life cycles are founded in our ancestral languages.

I am part of the Kanien'kehá:ka (people of the Flint) and the language of my nation is Kanien'kéha. It is a language that is comprised of 80% verbs, is action oriented and descriptive. It is a complex language that links us to not only our ancestral teachings, and strengthens our respect within our relationship to the environment and the natural life cycles.

But as globalization demands fewer linguistic groups to deal with issues of the day, Indigenous languages are once again over shadowed by dominant languages.

**For far too long, the importance of Onkwehón:we languages has languished in the dark** as important social problems rooted in colonization, remain the priority. Language is a key in the healing of our nations from genocidal acts of colonization.

As such, since the Bill C-91 mentions 'reconciliation' then acts of reparation and restitution must occur. Our languages are intricately and closely tied to the land, our relationship to Mother Earth and all our relations. [This means access to our traditional lands – respect for our rights to self-determination; halting land dispossession. Our language cannot be separated from our link and rights to our lands.]

[The loss of Onkwehón:we languages causing them to be in a state of urgency, can be visually paralleled to the amount of land loss caused by colonial land dispossession of Indigenous peoples whose loss of land has caused impoverishment in many forms]

As we all know, one of the tools used to destroy Indigenous peoples' languages and cultures was:

**lontiontákhwa lonteriwaienstakhwa** - *or the Indian Residential School system*

whose scope, purpose and depravity are well documented by the Royal Commission on Aboriginal Peoples and the Truth and Reconciliation Commission.

Revitalization, maintenance and perpetuation of Onkwehón:we languages is best done by Onkwehón:we peoples themselves we feel the urgency of the state of Onkwehón:we languages more profoundly in the community.

We can no longer waste any time tolerating the imposition of colonial languages and the ongoing assimilation policies and programs.

The UN Permanent Forum on Indigenous Issues hosted an expert meeting in New York from January 19-21, 2016 in which the outcome document expressed an important message regarding the "growing crisis" in the loss of Indigenous languages, describing this loss as urgent<sup>1</sup>.

With each passing year we lose elders who carried traditional knowledge, first language speakers; we cannot afford to waste any more time from political posturing.

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<sup>1</sup> UNPFII, Economic and Social Council Official Records, 2016 Supplement No. 23, E/2016/43-E/C.19/2016/11

While statistics help government create policies and programs, they cannot convey the level of urgency felt in communities resisting assimilation. They cannot paint a portrait of the grief of elders as they witness the slow obliteration of our ancestral languages through colonial assimilation.

### **Strengthening wording in the Bill C-91**

The wording of the Bill must be strengthened to emphasize the urgency, the degree of damages from assimilation policies; along with the acknowledgment and responsibility from all levels of government of their contribution to erosion/loss of Indigenous languages.

The Bill must go beyond recognition of Indigenous peoples' rights to their language and self-determination; towards **respect and affirmation** our human rights.

I would like to highlight some of the preamble of the Bill C-91 which require correction and context of our realities;

**Preamble paragraph 5** ignores the Indian Reserve system; the ongoing land dispossession from institutionalized racism a structure that is more akin to an authoritarian state than a democratic society. The colonial agenda and Doctrines of Superiority have been used as foundations of oppression to justify genocidal acts such as **lontiontákhwa lonteriwaienstakhwa - or the Indian Residential School system.** land dispossession and have drastically reduced Indigenous peoples' access to their lands and resources minuscule parcels of land.

**Preamble paragraph 18** of the preamble should be more in line with the UN Declaration (UNDRIP) article 22 (1): "Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities ..."]

This Bill must take into context the multi-generational impacts of the Indian Residential School system and the genocidal laws and policies, of which colonization and assimilation continue today

This is reflected in the curriculum in community schools whereby a level of fluency is expected of colonial languages for a youth to graduate high school. The misguided notion by many Onkwehón:we parents has been that allowing colonial languages into our homes would help our children and youth succeed in society. But we know that this is quite the opposite.

**This can be attributed to the progressive destructive nature and strategies of the Official Languages Act which impose English and French in the daily lives of Indigenous peoples. Knowing both colonial languages does not equate to more opportunities to participate in society. And there is a failure to understand how the level of racism, and societal indifference, institutionalized racism from colonial laws, policies and programs, contribute to the opposite of this misguided aspiration.**

I would like to reference a small comparison to Canada's Official Languages Act and Bill C-91, in that

Canada's Official Languages Act: Preambular paragraph 10

"AND WHEREAS the Government of Canada recognizes the importance of preserving and enhancing

the use of languages other than English and French while strengthening the status and use of the official languages; “

This had been implemented without questioning the impacts it would have on the identity of Indigenous peoples.

There is a misconceived notion rooted in the cultural shaming inflicted by the IRS, and is further enhanced by ***Canada’s Official Languages Act, and Bill 101 in Québec*** that imposing the use of English and French throughout Canada, will allow Indigenous peoples opportunities to participate in society. But the reality that various levels of racism, be it societal indifference, racist attitudes and institutionalized racism from colonial laws, policies and programs, contribute to the opposite of this.

Linguistic Rights scholar, Tove Skutnabb-Kangas coined the term “Subtractive language education” in which she explains: “subtracts from a child’s linguistic repertoire instead of adding to it”<sup>1</sup> This comprised aspects of the Indian Residential school although the seriousness of its impacts continue to be felt; and today, Indigenous peoples view as ‘assimilation’ education, which continues to displace Indigenous languages and identity.

UNESCO has estimated that more than half of the world’s 6000 to 7000 languages spoken today will become extinct by 2100 . A great majority of these languages under threat are Indigenous languages. Statistics can only describe the loss abstractly, the real loss is felt by Indigenous peoples themselves.

While UNESCO has stated that: “Canada’s Aboriginal languages are among the most endangered in the world.”<sup>2</sup>

### **Funding Issues**

For decades, Indigenous languages revitalization and maintenance has labored under project funding. Imagine if your languages were dependent on exhaustive reporting measures, at times, funding only provided a support for activities but not human resources, classes but not curriculum development, and while project funding has changed and is appreciated, nevertheless the urgency is comprised of the challenges of continuity in Indigenous languages revitalization remain in project funding.

**Recommendations include the necessity for core, long term sustainable funding for experienced Indigenous organizations** who have led the way in Indigenous languages preservation, revitalization, protection and maintenance. Core funding must be provided for language programs which include immersion programs for all ages, from pre-school, elementary and high school, including adult immersion; Core funding for all levels of immersion

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<sup>2</sup> (UNESCO 1996, Atlas of the Worlds’ Languages in Danger of Disappearing, Ed. Stephen A Wurm, Paris, UNESCO, p. 23)

The UN declares that it is the duty of States, regardless of their political, economic or cultural systems, to promote and protect all human rights and fundamental freedoms.<sup>3</sup>

That UN member states should take positive action in the promotion and protection of human rights.<sup>4</sup>

Colonization and assimilation must be halted for Onkwehón:we languages to be protected and allowed the time to be restored to the life it had over 150 years ago.

We must not be sidelined by the competitive nature of who has the most Indigenous languages or who should receive the most funds. Experienced Indigenous languages teachers and advocates must lead the way in any 'special measures' or 'framework' mentioned in Bill C-91; as with any topic, experts are those who are relied upon to shape solutions; traditional knowledge keepers, elders and experienced language speakers who are teachers and advocates must lead.

[Indigenous languages experts know that if we are to reverse the trend of language loss, then the goal is to create more fluent speakers, maintenance and perpetuation of Indigenous languages, and must in particular support all levels of immersion programs.

Concretely this means that the first language speakers are the Indigenous language experts, and must be at the forefront of solutions. It is evident that in order for a language to survive, the youth and children must be speaking it as they are the future.

While the **Convention on the Rights of the Child** states:

*Article 29 (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;*

The CRC does not take into consideration, the impact of oppression: colonization, assimilation and genocide upon the identity, language and culture of an Indigenous child. Multi-generational impacts from colonization have changed the minds of Indigenous communities struggling to survive in a globalized world.] (excerpt from my article for UNESCO)

<sup>3</sup> 17 Vienna Declaration and Programme of Action, para. 5.

<sup>4</sup> Committee on Economic, Social and Cultural Rights Forty-third session 2–20 November 2009 General comment No. 21 Right of everyone to take part in cultural life (art. 15, para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights) II. Normative content of article 15, paragraph 1 (a) 6. The right to take part in cultural life can be characterized as a freedom. In order for this right to be ensured, it requires from the State party both abstention (i.e., non-interference with the exercise of cultural practices and with access to cultural goods and services) and positive action (ensuring preconditions for participation, facilitation and promotion of cultural life, and access to and preservation of cultural goods).

## Conclusion

**Each Indigenous language is distinct** as they have all been affected by destructive colonial assimilative laws, policies and programs. We cannot afford to waste any more time on political posturing of who has the most languages in their region, or to fall into the status quo of present funding requirements of project based, complete funding;

Colonization has caused us to be dependent upon government who control our Trust fund, est. 1876, and for over a century, support has remained contingent upon states' good will to provide the kind of 'adequate support' required to restore Onkwehón:we back into the daily lives of each distinct peoples of Turtle Island.

Flexibility must be based upon the needs and priorities of Onkwehón:we First language teachers and advocates.

Onkwehón:we languages are alive, to Onkwehón:we peoples, it is our part of who we are, it guides us and strengthens our identity as a human being.

That Onkwehón:we languages have always been a treaty right and inherent right, and even though it has been stated that they are already protected under the Constitution Act, 1982, our rights have been consistently violated, not protected nor been respected,. Therefore it is the duty of Canada and provinces to respect and not interfere in the enjoyment of our rights.

As the UN Office of the High Commissioner on Human Rights explains:

**All human rights are universal, inter-related, indivisible, inter-dependent: the denial of one right affects the enjoyment of another.**

## MLCA, as researched by Linda Cree and Ellen Gabriel

### Recommendations:

- Core funding is essential to successfully implement Bill C-91; it must provide core funding for language programs which include Immersion programs for all ages, from pre-school, elementary and high school, including adult immersion; Core funding for all levels of immersion
- Eliminate silo funding model and collaborate with Indian Affairs/Health Canada to ensure core funding for all educational facilities willing and able to provide language nests/immersion for children, youth and young adults
- Adult immersion must be funded as stipends similar to that of post-secondary students
- RCAP, in 1996 recommended an endowment of \$100 million to create a Language Foundation; since there is already a national entity the First Nations Confederacy of Cultural Education Centers (FNCCEC), we recommend that this be the entity to provide funds to Indigenous communities, although this would require an infusion of both human and financial resources to succeed
- Therefore, since there exists a national body whose focus and mandate is Onkwehón:we languages and culture: the funding mechanism should pass through the First Nations Confederacy of Cultural Education Centers. This means they will need an increase in human and financial resources
- Canada's Constitution Act, 1982 is a limited lens when it comes to the interpretation of Indigenous peoples' human rights. Therefore Canada must incorporate in Bill C-91, its international human rights obligations such as the Covenant on the Rights of the Child, Universal Declaration of Human Rights; Convention on the Elimination of Racial Discrimination (ICERD); Convention on the Elimination of Discrimination Against Women; and use as the framework of "reconciliation" the United Nations Declaration on the Rights of Indigenous Peoples,
- Indigenous Languages Clearinghouse that are currently housed in Canadian Government agencies like Canadian Heritage, INAC, AFN, National Library and Archives of Canada, with separate funding,
- Each Onkwehón:we nation owns their traditional knowledge embedded in the language, culture and history
- Similar mandate of the Indigenous Languages Commissioner to that of the Official Languages Commissioner
- Lifelong Learning, retaining and maintenance within Indigenous communities be funded to include language immersion schools, classes and as well as adult immersion

- Protection of Indigenous languages must be enforceable at the federal, provincial, territorial and municipal level:
- Guarantee that provinces and territories cannot use the "notwithstanding clause"; Quebec's Bill 101 and the Official Languages Act should be amended to accommodate Indigenous communities' efforts in protecting, revitalizing and maintaining their languages.
- Collective rights of Indigenous peoples to their languages, cultures and histories
- We must include land based education that reinforces our connection and relationship to the land
- Implement the UNDRIP in concert with all other legally enforceable international human rights instruments that Canada has signed.
- End March 31 Fiscal Year to June F/Y;
- Equitable funding as provided to French & English language minorities to learn and maintain their mother tongue
- Education, Health Canada and AHSORS (Aboriginal Head Start on Reserve and other programs

## End Notes

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<sup>i</sup> “Research on educational performance indicates that LM children taught through the medium of a dominant language in submersion programmes often perform considerably less well than native dominant language speaking children in the same class, in general and on tests of both (dominant) language and school achievement. They suffer from higher levels of push-out rates, stay in school fewer years, have higher unemployment and, for some groups, drugs use, criminality and suicide figures, and so forth.”

Tove Skutnabb-Kangas, LANGUAGE RIGHTS AND BILINGUAL EDUCATION, In Volume 5, Bilingual Education, eds Jim Cummins & Nancy Hornberger. Encyclopedia of Language and Education, 2nd edition. New York: Springer, 117-131.

II. Normative content of article 15, paragraph 1 (a)

6. The right to take part in cultural life can be characterized as a freedom. In order for this right to be ensured, it requires from the State party both abstention (i.e., non-interference with the exercise of cultural practices and with access to cultural goods and services) and positive action (ensuring preconditions for participation, facilitation and promotion of cultural life, and access to and preservation of cultural goods).

UNESCO stated that:

iii. CONVENTION FOR THE SAFEGUARDING  
OF THE INTANGIBLE CULTURAL HERITAGE  
Paris, 17 October 2003

MISC/2003/Article 2 – Definitions

For the purposes of this Convention,

1. The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

### Other Sources of information

Committee on Economic, Social and Cultural Rights Forty-third session 2–20 November 2009, General comment No. 21 Right of everyone to take part in cultural life (art. 15, para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights)

1. Cultural rights are an integral part of human rights and, like other rights, are universal, indivisible and interdependent. The full promotion of and respect for cultural rights is essential for the maintenance of human dignity and positive social interaction between individuals and communities in a diverse and multicultural world.

2. The right of everyone to take part in cultural life is closely related to the other cultural rights contained in article 15: the right to enjoy the benefits of scientific progress and its applications (art. 15, para. 1 (b)); the right of everyone to benefit from the protection of moral and material interests resulting from any scientific, literary or artistic production

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of which they are the author (art. 15, para. 1 (c)); and the right to freedom indispensable for scientific research and creative activity (art. 15, para. 3). The right of everyone to take part in cultural life is also intrinsically linked to the right to education (arts. 13 and 14), through which individuals and communities pass on their values, religion, customs, language and other cultural references, and which helps to foster an atmosphere of mutual understanding and respect for cultural values. The right to take part in cultural life is also interdependent on other rights enshrined in the Covenant, including the right of all peoples to self-determination (art. 1) and the right to an adequate standard of living (art. 11).

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Follow-up to the recommendations of the Permanent Forum

Action plan for organizing the 2019 International Year of

Indigenous Languages

2. Language is a core component of human rights and fundamental freedoms and is essential to realizing sustainable development, good governance, peace and reconciliation. A person's freedom to use his or her chosen language is a prerequisite to freedom of thought, freedom of opinion and expression, access to education and information, employment and other values enshrined in the Universal Declaration of Human Rights.

Committee on Economic, Social and Cultural Rights Forty-third session 2–20 November 2009, General comment No. 21 Right of everyone to take part in cultural life (art. 15, para. 1 (a), of the International Covenant on Economic, Social and Cultural Rights)