LANGUAGES AND CULTURE SECTOR UPDATE

Regarding the Department of Canadian Heritage Consultations on the Implementation of the *Indigenous Languages Act*

The Assembly of First Nations issues regular updates on work underway at the national office. More information is available at [www.afn.ca](http://www.afn.ca).

**SUMMARY:**
- The Department of Canadian Heritage (DCH) has an obligation to consult Indigenous Peoples on the implementation of the *Indigenous Languages Act* (the Act).
- The two consultation topics are: (1) the Office of the Commissioner of Indigenous Languages, and (2) adequate, sustainable, and long-term funding (through the creation of an Indigenous Languages Funding Model).
- The consultations are expected to begin on September 28, 2020 through videoconference and teleconference in consideration of, and to accommodate, health and safety restrictions due to the COVID-19 pandemic.

**COVID-19 and Consultations on the Implementation of the Act**

March 2020 saw the beginning of the COVID-19 global shutdown. We all suddenly had to find new ways of doing things by social distancing to protect ourselves and loved ones. As a result of the new restrictions on in-person gatherings, one of the activities that saw delays and barriers was the consultations on the implementation of the Act. Certain provisions in the Act itself require DCH to consult on several issues, including:

- (1) meeting the objective of providing adequate, sustainable and long-term funding; and
- (2) the appointment of a Commissioner and Directors for the Office of the Commissioner of Indigenous Languages.

The Government of Canada’s plans to consult with Indigenous Peoples on these issues were delayed for health and safety concerns. DCH had begun consultations in Yukon in March 2020. However, the consultations were discontinued because of the COVID-19 pandemic and a revised consultation guide has since been prepared and will be used for the upcoming consultations. Consultations are now set to begin by videoconference and teleconference. They will include another consultation session in Yukon that will be based on the new guide. Please watch for emails and letters with information to participate. The consultation sessions will be facilitated and conducted based on a Discussion Guide (and related PowerPoint) including key questions about the Office of the
Commissioner of Indigenous Language and the provision of adequate, sustainable, and long-term funding (including the development of an Indigenous Languages Funding Model).

Other ways to engage in the process include sending submissions/comments to DCH (by mail or electronically) or by participating in their online questionnaire on the Act. For more information visit: https://www.canada.ca/en/canadianheritage/campaigns/consultation-indigenous-languages-act-implementation.html.

Consultation Topics

Funding and a New Indigenous Languages Funding Model

Budget 2019 provided an investment of $333.7 million over five years and $115.7 million annually thereafter to implement the Act and for the preservation, promotion and revitalization of Indigenous languages. This investment is welcome but falls short of what is required to reclaim, preserve, revitalize, maintain and ultimately normalize First Nations languages. The Assembly of First Nations (AFN) continues to advocate for funding to be based on need.

This year, the demand for language revitalization funding is expected to be nearly three times higher than the amount of funding available for First Nations. The Languages and Culture Sector is advocating for funding to meet need this year (as identified by First Nations) and for increased funding overall to support First Nations-led language revitalization initiatives. Further, the Languages and Culture Sector is advocating for significant improvements in the flow of funding to First Nations and First Nations language organizations both in the short term, as well as in the long term through the development of an Indigenous Languages Funding Framework.

Work initially began on the development and implementation of an Indigenous Languages Investment Framework. Feedback from AFN Languages Committees saw the work as neither an investment (i.e. a one-time balloon endowment) nor was it really a framework for a fund. Rather, this work was far more akin to a funding model for government to be better guided in its efforts to support First Nations language revitalization.

The Funding Model will provide a collaboratively developed approach to improve the flow of funding to First Nations languages initiatives. Languages funding can flow through a variety of mechanisms, including agreements or arrangements (see Sections 8 and 9 of the Act and existing self-governing and Territorial
Language Accords) with Indigenous governments, Indigenous governing bodies, Indigenous organizations, and provinces and territories.

What does this mean for you and the upcoming consultations?

DCH will consult on the development of the Funding Model with First Nations, including First Nations experts in language revitalization. These consultation sessions are an opportunity to confirm or clarify funding principles from previous engagements on the Act. The Act facilitates adequate, sustainable and long-term funding for Indigenous-led language revitalization.

In past AFN engagements, we heard that funding must be ongoing, predictable, adequate, and flexible to accommodate different language states and needs over time. Other suggestions included (See AFN Indigenous Languages Initiative Report for more information):

• “Transfer funds directly to Indigenous communities equitably, based on status of language in each community and respective language goals.
• Indigenous communities should have the authority to arrange partnerships with existing institutions when and how they see fit.
• Provide funds to day cares, early childhood centres, preschools, primary, elementary schools, middle schools, secondary schools, colleges, institutes, technical schools, pre-employment programs and post-secondary institutions to offer Indigenous language programming. The funds available must be divided equitably.
• Provide opportunities for funding for innovations, special projects, and short-term objectives with a focus on evaluation and sharing what is learned.
• Direct funding opportunities to support targeted populations such as: in corrections for individuals who are incarcerated, to children in the care of social services both adopted and in foster care, to the health care system to provide language services to the elderly and others requiring care. In addition, fund sign language programs and programs to support individuals with disabilities or special abilities.
• Provide secure funding so that those who do not reside in their homelands have access to language learning and maintenance of their heritage.
• Provisions must be put in place for Indigenous Peoples to learn their respective languages including paid leaves of absence from their places of employment.
• Funding must not be prioritized based on principles such as languages which have the greatest number of speakers or languages which have the greatest level of endangerment. All Indigenous languages must be supported at the level required to recover, reclaim, revitalize, maintain and normalize them.”

Other considerations may include:
• the role of language planning and capacity building;
• the potential for transitional measures and how it could roll out;
• how to involve modern treaty, land claim and self-government signatories; and
• funding authorities and mechanisms that best meet the needs of First Nations languages.
**Indigenous Languages Commissioner (and Directors) Appointment and Functions**

The Act provides for the establishment of the Office of the Commissioner of Indigenous Languages (OCIL) and the appointments of a Commissioner and up to three Directors. Now that these elements are entrenched in legislation, we must now turn our attention to the process of selecting a Commissioner and Directors to make the office of the Commissioner a reality. Considering the Act means that the Minister will make the announcement based on our collective advice, we must allow for time the Governor-in-Council process requires.

*What does this mean for you and the upcoming consultations?*

DCH will consult on the appointment of the Indigenous Languages Commissioner and up to three Directors. Our first task is to consider what kind of professional background, experiences, knowledge and skills the individual appointed as Commissioner of Indigenous Languages should have. Based on past engagements in 2017-18, Accountability Profiles for these positions will be shared during the consultations to discuss.

These consultations are also an opportunity to confirm or clarify the key functions of the Commissioner and Directors. For example, based on the way the Act describes the mandate and functions of the Commission (see Act), we can ask ourselves:

- What are we are looking for in the people who will fill these positions?
- Does the Act appropriately describe key functions/roles and priorities?
- What are appropriate timelines for these tasks?
- What should their relationship be with regions, Nations, and First Nations language organizations?

In 2017-18, the AFN engaged with First Nations about the creation of a national entity, including a Commission. Common suggestions included that the Commissioner should (See AFN Indigenous Languages Initiative Report for more information):

- “be language keepers themselves;
- hold government accountable for implementation of the Act;
- resolve policy barriers;
- establish collaborative partnerships and relationships between all levels of ministries of education at all levels, justice, corrections, social services, health, and treaty negotiations, as well as collaborative partnerships with Indigenous organizations;
- manage issues dealing with Indigenous languages and their Indigenous place names in maps, signage and other demarcations within Indigenous lands;
- work with government to serve Indigenous peoples in a way that is respectful of their languages and is authentic;
• report on the achievement of the objectives of the Indigenous Languages Act; and
• Indigenize processes related to implementation of the legislation.”

Ongoing Work to Implement the Act

The AFN continues to work collaboratively with DCH, Inuit Tapiriit Kanatami (ITK), and the Métis National Council (MNC) on the implementation of the Indigenous Languages Act at the Joint Implementation Steering Committee. Key areas of AFN work include:

• Advocating significant improvements to the way Indigenous Languages and Cultures Program (ILCP) Languages Component funding flows to First Nations and First Nations language organizations beginning in 2021-22. We know that our languages need urgent support now and we cannot wait until the Funding Model is finalized.
• Addressing the need for a whole-of-government approach to dealing with implementation, especially as it relates to funding to ensure that government departments responsible for daycare, schools, and adult learning (for example) are required to budget for language funding in their budgets and expenditures.
• Ensuring First Nations involvement in the formal decision-making process for funding and the appointment of the Commissioner. Achievements to date include:
  o (1) the establishment in summer 2020 of a First Nations Review Committee, led by First Nations, in the assessment of ILCP funding applications.
  o (2) the inclusion of First Nations representation on the Selection Committee for the appointment of the Indigenous Languages Commissioner.
• Ongoing advocacy for the timely appointment of the Commissioner, as stipulated in the Act for October 2020, or by the end of the calendar year at the latest.
• Organizing a virtual event in the fall to engage with First Nations youth on how to support their involvement in language reclamation, preservation, revitalization and normalization.
• Supporting the joint organization (with DCH, ITK, and MNC) of a virtual National Indigenous Languages Symposium in the coming months.
• Advocating for the involvement of First Nations in the organization of Federal-Provincial-Territorial Culture and Heritage Ministers meetings.

For more information:
• Please visit: https://www.afn.ca/policy-sectors/languages-and-culture/
• You can also reach out to the AFN Languages and Culture Sector at: afnlanguages@afn.ca