



# THE SCHOOL OF PUBLIC POLICY

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## MASTER OF PUBLIC POLICY CAPSTONE PROJECT

Policy Speaks Volumes: How Canada's Bilingual Status Affects Indigenous Languages

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To all the lifelong learners out there who keep finding their way back to university after they swore they were done – this one is for you. Let's find a real hobby. One that's not so expensive.

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## **Abstract**

While Canada may be famously recognized as a bilingual country, the reality is that the rich linguistic diversity encountered on this land long predates European colonization. Through centuries of genocide, forced assimilation, and attempted erasure, many Indigenous languages live on despite the best efforts of the Canadian state. Today, as Canada claims to be on a path of reconciliation, the hierarchy of the Official Languages over Indigenous languages is perpetuated through policies that inhibit Indigenous language revitalization efforts. To remedy this, Canada should build a framework that provides Indigenous Nations and communities with adequate support to protect and revitalize their languages.

This capstone analyzes select language policies at the international, federal, and provincial/territorial level to identify promising approaches to language recognition and revitalization. It then outlines three policy alternatives to address the legislative gaps: the status quo, granting Cree and Inuktitut Official Language status, and establishing Regional First Languages. These three alternatives are then evaluated according to four important criteria: recognition, access, timeliness and acceptability to Official Language minority groups. Based on this analysis, it recommends the establishment of Regional First Languages, and concludes that the federal government should provide more capacity and resources to Indigenous Nations and communities for Indigenous-led revitalization efforts.

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## Introduction

Inside Canada's borders, many languages are spoken. There are languages that were imported through immigration and colonization, such as Tagalog, Punjabi, Mandarin, Spanish, and many others. There are also languages that originated in what is now North America (Indigenous languages) including Nēhiyawēwin (Plains Cree), Anishinaabemowin (Ojibway), Haida, Inuktitut, and many more. Out of all of these languages, only two – English and French – are recognized in the *Constitution Act* 1982 as “Official Languages.”

European colonization has had a devastating impact on the vitality of Indigenous languages. There are estimated to be over 70<sup>1</sup> Indigenous languages spoken across Canada today, though this number was once much higher (Statistics Canada 2017). The Canadian state pursued genocidal and racist policies – forcibly taking Indigenous children from their homes to residential schools – that prevented the normal intergenerational transmission of Indigenous languages (Hanson, Games, and Manuel 2020). As a result, many Indigenous languages have dwindling numbers of speakers - some with only a few living speakers left.

Canada has recently acknowledged the importance of preserving these languages through the *Indigenous Languages Act* 2019. Its approach to Indigenous language revitalization is best characterized as passive, especially when compared to the funds, resources, and constitutional

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<sup>1</sup> This number varies from source to source as a result of human error in counting/reporting, double-counting languages that go by more than one name, unclear definitions of what constitutes a language vs. a dialect, and outdated counts on living speakers.

protections that the Official Languages enjoy, despite them facing no real risk of extinction. Further, Canada's policies pertaining to Indigenous languages fail to recognize and appreciate the urgency of revitalization and the diverse needs facing the numerous affected Nations and communities. French nationalist movements in Canada, particularly in Quebec, have resulted in measures to accommodate and promote equality of the dual French and English foundation of the Canadian state. These movements have made it clear that Canada acknowledges and appreciates the important role that language plays in culture. It seems, however, that this role is only truly appreciated as it pertains to the two "founding nations." As Canada begins to come to terms with its colonial foundations and commits to embarking on a path of reconciliation, it is time that it begins to think about Indigenous languages as earnestly as it does English and French.

This capstone provides an overview of current language policies in Canada and considers various policy alternatives for preserving and ameliorating the status of Indigenous languages. It concludes that the best presented alternative is to introduce Regional First Languages that recognize and afford rights to all Indigenous languages spoken in each province and territory. Examples of existing prototypes for Regional First Languages legislation include Nova Scotia's *Mi'kmaw Language Act 2021* and the Northwest Territories' *Official Languages Act 1988*.

## **Methodology**

This capstone will be grounded in Indigenous perspectives on the state of their languages in Canada and how best to approach revitalization. This conceptual framework will be established through a review of academic literature on language revitalization as well as relevant grey literature and government documents.

The first stage of the analysis dissects international declarations and standards to contextualize the issue of Indigenous language policies on a global scale. This analysis will compare Canada's policies pertaining to its Indigenous languages to standards set by the United Nations. It will also analyze New Zealand's federal language policy, which has seen renowned success in revitalizing Te Reo Māori, the language of the Māori people who have inhabited Aotearoa-New Zealand since time immemorial.

The second stage of the analysis will identify the constraints that Canada's language legislation places on the revitalization and protection of Indigenous languages in Canada. This includes legislation at both the federal and provincial/territorial level.

Finally, the analysis will delve into the language legislation of the Northwest Territories, Nunavut, and Nova Scotia. These governments have approached Indigenous language policy in unique ways that could potentially set a framework for how Canada as a whole can honour Indigenous languages in its language legislation.

Based on these analyses, the paper will propose three policy alternatives that Canada can consider to address the problem of declining populations of speakers of Indigenous languages. Each alternative will be evaluated based on a set of criteria, and then a recommendation will be made based on these evaluations.

The purpose of this capstone is not to devise a plan to revitalize the languages in question, as this would require extensive consultation and fieldwork to determine. Rather, it seeks to show policy

gaps that perpetuate harmful ideologies and continue to harm Indigenous communities, as well as make suggestions on how to approach the policy problem.

### Language Policy

Scholars distinguish between *language planning* and *language policy*. Language planning focuses on what can be done by the state to systematically promote language change (García 2015, 353). Language policy recognizes the multiple factors that influence behaviour towards language (García 2015, 353). It is also possible to consider both language policy and planning simultaneously to encompass the explicit state-level ideas about language and how it should be used, and the more instinctive user-level of how language is used in society (García 2015, 353). This capstone incorporates both language policy and planning considerations in its policy recommendations. For simplicity, it will simply use the term *language policy* to refer to both language planning and language policy.

Under the umbrella of language policy, there are three types that this capstone focuses on. The first relates to *preservation*, mainly in the form of funding for revitalization efforts. The second relates to increasing *usage*, mainly in the form of making services in Indigenous languages more accessible. The third relates to *recognition*, mainly in the form of granting Indigenous languages an elevated status to invoke certain rights, protections, and promotion. These elements of language policy are mutually reinforcing: when language is used for interactions with the state, it promotes preservation; recognition of language is necessary for it to be used in interactions with the state.



## **Background**

### The *Indian Act* and Residential Schools

When the Europeans arrived in what is now Canada, along with their foreign customs, traditions, and ideals, they brought foreign systems of governance as well (Cornell et al. 2004). Through these governance systems, the Canadian state introduced several assimilatory policies that aimed to erase all aspects of Indigenous cultures, including their languages. Several policies were introduced prior to the official *Indian Act* that affected the existing First Nations governance structures. The *Gradual Civilization Act 1857* (UK 1857) encouraged First Nations to enfranchise (i.e., terminate their Indian Status) voluntarily (Poucette 2018, 502). When this Act was unsuccessful, the government determined that traditional governance was blocking the “civilization” of First Nations (Poucette 2018, 502). Therefore, they passed the *Gradual Enfranchisement Act 1869* (Canada 1869) to eliminate traditional governance and introduce electoral systems under the control of the local Indian agent. The *Indian Act 1857* (Canada 1857) removed any remaining authority from First Nations governance and gave the federal government complete control over essentially all aspects of First Nations life (Poucette 2018, 503).

One of the many tactics used by Canada to assimilate Indigenous peoples into settler society was the implementation of Indian Residential Schools (IRS). The goal was to remove Indigenous children from their families and communities to eliminate all aspects of Indigeneity from the children, including their language, culture, and connection to their families (McKenzie and Morrissette 2003, 254). In these institutions, children were exposed to physical, mental, sexual, and emotional abuse, among other unsafe conditions, sometimes leading to death (Partridge

2010, 49; 51). Children were not allowed to practice their cultures and traditions, nor were they permitted to speak their language (Partridge 2010). These institutions were a devastating blow to the state of Indigenous languages. In removing children from their communities, they eliminated the children's exposure to stimuli in their own language, thus preventing them from continuing to develop their language skills in languages other than English, French, and sometimes Latin. This breaks the chain of language transmission and creates a ripple effect that makes it difficult for future generations to learn the language as well. When children are no longer learning a language, it leaves a very short window, limited to the lifespan of the last remaining speakers, for revitalization to take place before there are no speakers of the language left. This speaks to the urgency of the situation.

### Indigenous Languages in Canada

Currently, there are eight Indigenous language families and four isolates<sup>2</sup> (languages not connected to a family) spoken in Canada (Statistics Canada 2017). Table 1 outlines the families and isolates along with the estimated population of speakers and examples of languages within each family. Note that while the families and languages identified here are all spoken in Canada, these families have speaker populations that extend well beyond the imposed Canadian borders. It can be unnecessarily divisive to categorize these languages based on which country they are located within today, as these languages belong to independent sovereign nations. However, the data used in this table was collected by Statistics Canada for the 2016 Canadian Census. Therefore, these statistics only reflect speaker populations within Canada for languages that are spoken within Canada.

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<sup>2</sup> Isolates are languages with no known genetic relatives, or "families of one".

Approximately 98% of Canadians speak one or both Official Languages (Canadian Heritage 2019). Conversely, only 0.7% of Canadians can converse in any Indigenous language, which translates to approximately 15.6% of the Indigenous population (Statistics Canada 2017).

Table 1. Indigenous language families and isolates spoken in Canada<sup>3</sup> (Statistics Canada 2017).

<b>Family/Language</b>	<b>Population</b>	<b>Examples</b>
Algonquian	175,825	Cree, Ojibway, Mi'kmaw, Saukteaux
Inuit-Yupik-Unangan	42,065	Inuktitut, Iñupiaq, Inuvialuktun
Athabaskan <sup>4</sup>	23,455	Denë Sułiné, Tsúut'ínà, Gwich'in
Salishan	5,620	Shuswap, Lillooet, Squamish
Siouan	5,400	Stoney, Sioux, Assiniboine
Iroquoian	2,350	Mohawk, Oneida, Cayuga
Tsimshianic	2,695	Gitksan, Nisga'a, Sm'algyax
Wakashan	1,445	Heiltsuk, Kwak'wala, Nuu-chah-nulth
Michif (isolate)	1,170	

<sup>3</sup> Note that this data is self-reported and does not reflect levels of fluency or distinguish between active or passive speakers.

<sup>4</sup> Also spelled *Athapaskan*, *Athabaskan* or *Athapascan* depending on the community.

Haida (isolate)	445	
Tlingit (isolate)	255	
Ktunaxa (isolate)	170	

While it is unfortunately the case that number of speakers of Indigenous languages continues to drop, data from the most recent Census indicates that the number of youths able to speak an Indigenous language is on the rise (Taylor 2022a). In 2016, around 251,000 people reported being able to speak an Indigenous language (Taylor 2022a). This figure dropped in 2021 to 243,000 people – a decrease of approximately 8,000 people (Taylor 2022a). The number of generation Alpha children (those aged 8 years and under) who are able to speak an Indigenous language rose from 11,715 in 2016 to 28,755 in 2021 (Taylor 2022a). This promising statistic shows that language transmission to younger generations is improving, which is a positive step towards revitalization.

Significance of Indigenous Languages

The Assembly of First Nations (AFN), which played a significant role in shaping the *Indigenous Languages Act* 2019, says the following about the significance of language to Indigenous peoples:

“Our languages allow us to share and communicate culture, world views, knowledge systems, values, traditions, customs, history, spirituality, and social and political identity to future generations. Our languages are living; they come from the land and they’re integral

to our sense of self and a key aspect of self-determination. Despite their importance, all Indigenous languages in Canada are in danger of disappearing.”

(AFN 2022)

Chiblow and Meighan (2022) discuss the significance of Indigenous languages in a broad sense, but also in their own personal experience. Chiblow, an Anishinaabe woman, explains that something as seemingly small as introducing yourself in Anishinaabemowin carries great spiritual and social significance. She asserts that when you introduce yourself in this language, it is a way for your spirit guides and ancestors to recognize you and guide you in the right direction (Chiblow and Meighan 2022, 206–7). It also signals to others who you are and where you come from, helps identify your role and responsibilities to society, and your connection to the world (Chiblow and Meighan 2022, 207). Chiblow also explains how the Anishinaabe way of life, laws, governance, and knowledge is embedded in Anishinaabemowin, and language is how they convey their worldview (Chiblow and Meighan 2022, 207).

A recent survey conducted by the Leger for the Association for Canadian Studies showed that 88% of respondents reported a strong sense of attachment to their primary language, especially among Francophones and Indigenous peoples (Al Mallees 2022). The strong attachment to primary language outweighed all other markers of identity such as ethnicity, race, geography, and religion.

From a linguistic perspective, one of the aspects of Indigenous languages in Canada that makes them so precious is that unlike colonizer and immigrant languages, large communities of

speakers of these languages do not exist in other parts of the world. These languages each have unique linguistic features that do not exist in other language families that provide insights to linguists on what is possible in a human language and what that implies for the cognitive development of all humans. Indigenous languages are also the key to unlocking the art, music, spirituality, and oral histories of Indigenous peoples that cannot be found elsewhere on Earth. Michif, the language of the Métis people of the Red River Valley, is one of very few confirmed mixed languages<sup>5</sup> on the planet, fascinating linguists and language enthusiasts all around the world (Bakker 1997, 3). As shown in the table above, there are four isolates spoken in Canada which means that they are unrelated to any other known language in the world, living or extinct. In short, each language contains rich elements of human history and culture that have implications for all of humankind, not only the communities to which they belong.

Understanding and appreciating the diversity observed in each language and language family is crucial for revitalization efforts and drafting language legislation pertaining to Indigenous languages. For example, an approach that might be taken for Cree (a language with tens of thousands of speakers) may be entirely inappropriate or ineffective for a language like Ktunaxa (with fewer than 200 speakers). Language revitalization strategies must consider a number of factors such as:

- the state of the language (e.g., how many speakers are left, how fluent they are, what teaching philosophies and materials might already exist),
- the demographics of the speaker community (e.g., if all remaining speakers are elderly, if children are speaking the language),

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<sup>5</sup> Michif is a language that resulted from contact between Cree and French-Canadian people, and has elements of both French and Cree (Bakker 1997). Unlike most languages, it is not derived from a single linguistic ancestor.

- the degree of community interest and involvement (e.g., if it is a united community, if the population is concentrated to a localized area or dispersed, if members are committed and involved in revitalization efforts, if community members have the necessary resources or capacity to carry out the process), etc.

(Bliss and Creed 2018).

Recognizing the unique needs of each community of speakers should be reflected in language policies to ensure that the benefits reach all communities who wish to take on revitalization initiatives, not just the most represented ones.

#### Recent Attention on Indigenous Languages

Recently, issues concerning Indigenous languages have been on the radar of various Canadian politicians. An Alberta United Conservative Party leadership candidate, Rajan Sawhney, includes eliminating the bilingualism requirement for Supreme Court Justices to her campaign platform (Sawhney 2022). She states that this requirement discriminates against Canadians from many diverse backgrounds, particularly Indigenous peoples (Sawhney 2022). Further, Nunavut NDP MP Lori Idlout tabled a private members' bill on June 30, 2022 that would amend the Canada Elections Act to allow ballots to be printed in an Indigenous language if an elector requests it, or if the electoral district in question is on Indigenous land (Pressman 2022). This shows that improving access and opportunities for Indigenous peoples in regards to language is of interest in today's political climate.

However, there is still resistance from Canada to depart from the idea of strict bilingualism in the country. For example, a memo recently released to the Canadian Press notes a "growing tension" between Official Language requirements and Indigenous languages in the federal public service

(Taylor 2022b). According to this memo, a number of Indigenous public servants highlighted a need for a “blanket exemption” to bilingualism requirements for Indigenous peoples (Taylor 2022b). Currently, for jobs where French-English bilingualism is mandatory, an employee who is not fluent in both Official Languages may get the opportunity to learn French or English as a second language to meet job requirements. If the request for a blanket exemption for Indigenous peoples was accepted, those who speak an Official Language and an Indigenous language would not need to learn a second Official Language, and those who do not speak an Indigenous language could learn one instead of English or French (Taylor 2022b). The Treasury Board, however, rejects this idea, stating that they “will never change the fundamental principle of bilingualism in the public service,” and that they are working with partners to address barriers that public servants face in advancing their careers (Taylor and Saba 2022). The Treasury Board also expressed that it has no plans to offer the same bonuses to employees who speak an Indigenous language at work that those who speak English and French at work currently receive (Taylor 2022c). The president of The Public Service Alliance of Canada calls this practice discriminatory because some employees receive compensation for using two languages on the job, while others do not – implying a hierarchy of which languages are more valued (Taylor 2022c).

### **Legal Decisions, Legislative Changes, and Relevant Initiatives**

This section evaluates and dissects language legislation, legal decisions, and relevant initiatives at the international, federal, and provincial/territorial level to identify effective and ineffective elements of language policy to consider.



## International Standards

In 2007, the United Nations General Assembly adopted the United Nations Declaration for the Rights of Indigenous Peoples (UNDRIP), a declaration that outlined the rights of Indigenous peoples around the world and called on governments to respect, acknowledge, and adhere to these rights (UN General Assembly 2007). They include the right to revitalize, use, develop, and transmit their languages to future generations (UN General Assembly 2007, Article 13.1). This acknowledges that colonialism and Indigenous erasure are not only problems in North America, but across the globe, and that the actions taken by Canada regarding Indigenous language revitalization are part of a broader conversation and initiative.

The United Nations (UN) declared 2019 the International Year of Indigenous Language to raise awareness on the importance of Indigenous languages to maintaining culture and identity, as well as a tool for communication, education, and social development. Harnessing this momentum, the UN also declared 2022-2032 as the International Decade for Indigenous Languages to raise awareness on the critical situation of many Indigenous languages across the world and mobilize stakeholders to take action on promotion and revitalization. This an opportune moment for Canada to take immediate action in aiding Indigenous populations to revitalize their languages before their state worsens. While the recommendations and initiatives taken by the UN are not necessarily binding or enforceable, they do put pressure on nations to hold themselves up to the standards of their peers and should not be taken lightly.

*Māori Language Act 2016*

The *Māori Language Act* 2016 recognizes Māori, the Indigenous language of New Zealand, as an Official Language of New Zealand (New Zealand 2016). This comes with acknowledgement of the harm done to the Māori people and their language by the Crown and a promise to protect and promote the language, as it is an integral part of Māori history and culture. Māori was first recognized as an Official Language of New Zealand in the *Māori Language Act* 1988. This Act appoints a *Te Matawai* as an independent statutory entity to guide and develop strategies for revitalization projects (New Zealand 2016, s. 18). The Act also grants Māori people the right to use their language in the legal system, regardless of their ability to communicate in English (New Zealand 2016, s. 7). While estimates vary regarding the number of Māori speakers in New Zealand, a 2013 national census suggests that there are approximately 125,000 speakers, which represents approximately 20% of all Māori people, and 3% of New Zealanders (Keegan 2018).

### Canadian Federal Legislation

The Canadian state has introduced several language policies since the Europeans arrived in what is now North America. Language policies pertaining to Indigenous peoples have a long history of being racist and assimilatory, while French and English enjoyed elevated status and were celebrated as the two “founding” languages of Canada. These policies were (and continue to be) not only devastating to the number of speakers of Indigenous languages, but also caused significant trauma to the people in those communities and have led to a cycle of neglect for these languages that is still observed in Canada’s modern language policies. Today, Canada is beginning to acknowledge the importance of preserving Indigenous languages, but actions to combat Indigenous language loss have been very modest, and support for revitalization efforts has been largely rhetorical.

While Indigenous languages have some legislative support at the federal level, the provisions are vague and may not be adequate for the needs of all communities. Further, the division of jurisdictional power between the federal and provincial governments serves as a hindrance in Indigenous language revitalization efforts, as federal legislation does not put any obligation on provinces to meaningfully implement local Indigenous languages for provincial responsibilities like education, healthcare, provincial courts, etc. This ultimately results in legislative Indigenous language rights being ineffective.

#### *Constitution Act 1982*

The *Constitution Act 1982* explicitly establishes English and French as the country's Official Languages. The bilingual focus of the Canadian state has roots in systems of racism and white supremacy that far predate the *Constitution Act 1982*. The Canadian government wanted to assimilate Indigenous peoples into Western culture as a means of acquiring more land for settlers and reducing its financial obligations to Indigenous peoples (Haque and Patrick 2014, 29). While Indigenous mobilization has had a positive effect on the treatment of Indigenous peoples in Canada, Indigenous-centred language policies and protective legislation have significant gaps, largely due to the racist foundations on which they were built (Haque and Patrick 2015, 29).

The Royal Commission on Bilingualism and Biculturalism (RCBB) from 1963-1970 is the basis of modern language policy in Canada (Haque and Patrick 2015, 29-30). The RCBB was prompted by a rise of Quebec nationalist sentiments and the perceived threat to national unity that it invoked, and as such, pushed the narrative that Canada was built from two "founding"

settler groups and bore no mention of Indigenous peoples, their languages, or cultures (Haque and Patrick 2015, 30). Indigenous voices were present throughout the entire commission, calling attention to the fact that Indigenous peoples were the true “founding race” in Canada and highlighting the need to reconceptualize bilingualism in Canada to emphasize the importance of maintaining these languages (Haque and Patrick 2015, 30-1). However, these concerns were not adequately considered in the commission, and the diversity of Indigenous cultures and languages were viewed as a disadvantage because there was no common language to serve as a symbol of an all-encompassing Indigenous identity like there was English-Canadians, French-Canadians, Ukrainian-Canadians, etc. (Haque and Patrick 2015, 31). This created a binary between Western culture and Indigenous cultures where the former was viewed as the modern and superior culture, and the latter was viewed as primitive and “pre-modern” (Haque and Patrick 2015, 31). Further, a narrative was pushed that since Indigenous languages were so diverse and “fragmented”, their extinction was inevitable which reinforced the need to shift to English and/or French (Haque and Patrick 2015, 32).

In the *Constitution Act 1982*, the *Canadian Charter of Rights and Freedoms* (the Charter) states that “Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French,” (Canada 1982, s. 22). This, in theory, ensures that the Charter protections of the Official Languages should not disturb or detract from rights and privileges of languages other than French and English, including Indigenous languages. While none of these sections explicitly remove any Indigenous language rights, the unfortunate reality is that the linguistic damage done by prioritizing French and English over

Indigenous languages for centuries has directly resulted in the degradation of Indigenous languages.

The Charter also mentions the right to receive education in a minority language (Canada 1982, s. 23). Note that “minority language” in this context refers to an Official Language in places where it is not the linguistic majority, and it does not apply to Indigenous languages. This section ensures that children who speak English or French as a first language or have received instruction in one of these languages where it is a linguistic minority have the right to receive instruction in that language as long as the number of children with such a right is sufficient to warrant using public funds to provide that service.

Aside from the language-specific sections of the *Constitution Act 1982*, the division of powers also has an effect on the way Indigenous languages are used federally versus in the provinces/territories. Under the *Constitution Act 1982*, the federal government has exclusive legislative authority over “Indians, and lands reserved for Indians” (Canada 1982, s. 91). It also designates exclusive authority to the provinces over healthcare, the administration of justice in the province, and education (Canada 1982, s. 91-93). This creates a disconnect between the rights of Indigenous peoples and the services they receive from the provinces, leaving gaps that potentially slow the progress of revitalization efforts.

#### *UNDRIP Act 2021*

In 2021, the federal *United Nations Declaration on the Rights of Indigenous Peoples Act* (*UNDRIP Act 2021*) received royal assent. This Act officially recognizes UNDRIP as a universal

international human rights instrument that is applicable to Canadian law (Canada 2021, s. 4). This means that the standards set in UNDRIP, such as the right to revitalize, use, develop, and transmit their languages to future generations, are applicable in Canada, and violations of these rights could, in theory, be challenged in court. This legislation provides Indigenous peoples with a mechanism to hold the government to account if it fails to fulfil these obligations.

### *The Indigenous Languages Act 2019*

The *Indigenous Languages Act 2019* demonstrates the federal government's commitment and obligation to supporting revitalization efforts and recognizing the importance of Indigenous languages in this country. The purpose of this Act is to ensure that Indigenous communities receive stable and predictable funding for language revitalization efforts (Canada 2019, s. 5).

While the Act is still relatively new and it remains to be seen how it will be applied in specific contexts, the promise of sustainable funding will be useful, as language revitalization projects are extremely costly, ranging on average from \$5-6.7M annually per language (Bliss and Creed 2018).

The Act states that the Minister of Canadian Heritage must consult with several Indigenous governing bodies and organizations to provide sustainable, long-term funding for revitalization efforts (Canada 2019, s. 7). It also allows the Minister of Canadian Heritage to cooperate with provincial and territorial governments to coordinate implementing Indigenous language programs and services (Canada 2019, s. 8). Additionally, the Act calls for the creation of the Office of the Commissioner of Indigenous Languages – a designated body to ensure the Act is upheld and respected (Canada 2019, s. 12).

## Provincial Legislation

Provincial and Territorial governments are taking a more direct approach to Indigenous language revitalization by introducing legislation that recognizes the importance of Indigenous languages and elevates their status. This legislation also provides certain assurances that stable funding and services provided in these languages will be available.

### *Official Languages Act, RSNWT 1988*

The *Official Languages Act* 1988 designates 11 languages as Official Languages of the Northwest Territories (NWT), including Chipewyan, Cree, Gwich'in, Inuinnaqtun, Inuktitut, Inuvialuktun, North Slavey, South Slavey, Tłı̨chǫ, English, and French (NWT 1988). The Act declares that all of these languages have equality of status and equal rights as to their use in all NWT government institutions (NWT 1988, s. 5). This is more than a symbolic recognition of the status of these languages: any member of the public in NWT “has the right to communicate with, and to receive available services from, any regional, area or community office of a government institution in an Official Language other than English or French spoken in that region or community, where (a) there is a significant demand for communications with and services from the office in that language; or (b) it is reasonable, given the nature of the office, that communications with and services from it be available in that language.” (NWT 1988, s.11(2)). When the Territory was divided into the NWT and Nunavut, this Act stayed in place in the NWT, and Nunavut implemented its own language policies.

The Act will soon be updated to more closely reflect the recommendations in UNDRIP to explicitly mention the harms of colonialism on Indigenous peoples and emphasize that increasing the use of Indigenous languages is a step towards repairing these harms.

The 2016 Census shows that 12.7% of NWT residents speak an Aboriginal language at home, compared to 0.6% on the national level (Statistics Canada 2019a). While the NWT statistic may seem optimistic when compared to its national counterpart, it is worth noting that this number has been trending downward over recent censuses (Statistics Canada 2019a).

#### *Official Languages Act, SNu 2021*

This Act recognizes the Inuit Language (comprised of Inuktitut and Inuinnaqtun), English, and French as the Official Languages of Nunavut. It affirms that the Inuit Language has equal rights and privileges to English and French as it pertains to its use in territorial institutions (Nunavut 2021, s. 3(2)). It also allows anyone the right to use any of the three Official Languages in the Legislative Assembly, and states that all bills must have an Inuktitut version made at the time the bill is introduced (Nunavut 2021, s. 4; s. 5(2)). Additionally, the preamble states that positive actions must be taken to promote the Inuit Language as well as other Inuit cultural expressions (Nunavut 2021, preamble).

#### *Inuit Language Protection Act 2020*

This Act declares that organizations must display public signs, posters, advertisements in the Inuit Language, as well as provide reception services in the Inuit Language. It also requires that the following services be given in the Inuit Language:



- essential services (emergency, rescue, urgent services or interventions, medical or pharmaceutical services);
  - household, residential, or hospitality services (restaurant, hotel, lodging, housing services, electricity and water services, telecommunications);
  - “other prescribed services that the Commissioner in Executive Council considers to be appropriate as the result of their essential nature or important consequences for individuals” (s.3(2));
  - all notices, warnings or instructions directed to users or consumers of the service;
  - monthly bills, invoices and similar demands directed to persons who may be Inuit Language speakers; and
  - the other communications that the Commissioner in Executive Council may prescribe.
- (Nunavut 2020, s. 3(3))

The 2016 census reported that 65.3% of the population of Nunavut spoke the Inuit Language as a mother tongue (approximately 23,225 people) (Statistics Canada 2019b). Additionally, 76.8% of the population reported being able to hold a conversation in the Inuit Language (Statistics Canada 2019b).

### *Mi'kmaw Language Act 2022*

The *Mi'kmaw Language Act 2022*, a provincial Act that designates Mi'kmaw as the First Language of Nova Scotia, is to be implemented in October of 2022. This Act states that Nova Scotia must collaborate with Mi'kmaw peoples to establish a strategy to protect and promote the Mi'kmaw language and establishes a Mi'kmaw Language Committee to ensure the continued

collaboration between the Government of Nova Scotia and the Mi'kmaw peoples (Nova Scotia 2022, s. 2).

### Comparison of Language Legislation

The standards set by the UN with its Indigenous Language initiatives and the creation of UNDRIP have set a solid foundation for not only Canada, but nations all over the world, to begin to take on the issue of declining populations of speakers of Indigenous languages. With Canada's implementation of the *UNDRIP Act 2021*, it is a promising sign that Canada wants to take reconciliation efforts more seriously. However, this Act is still new, and it remains to be seen what effects it will have on Indigenous languages or how challenges would hold up in court.

Between federal and provincial legislation, there are several key differences. The obligations set out in the *Constitution Act 1982* and the *Indigenous Languages Act 2019* are quite vague. While they prohibit the explicit derogation of Indigenous languages, they do not address the historical harms done by the Canadian government and ignore the implicit discrimination that still exists within the system that prevent the preservation of Indigenous languages. They also do not require the government to provide services in Indigenous languages in any context, making it no more desirable to learn them or provide the opportunity to use them in daily life. This contrasts with some of the provincial legislation like the *Inuit Language Protection Act 2008* in Nunavut, which explicitly acknowledges and aims to reverse the damage of colonialism on Indigenous languages, as well as requiring that certain services be provided in the Inuit Language.

The *Māori Language Act* 2016 has been successful in New Zealand and provides meaningful guidelines and obligations to promote the Māori language. However, this type of legislation is perhaps not suited for the Canadian context, as giving all Indigenous languages Official status would result in logistical problems for the administration of policy, given the sheer number of languages that must be considered.

In summary, the current patchwork of federal, provincial, and territorial legislation provides inadequate support for Indigenous revitalization efforts. Under the status quo, Indigenous languages are largely ignored and disproportionately underfunded by the federal government compared to the Official Languages, and this creates an equity problem that threatens Canada's linguistic diversity and perpetuates a cycle of white supremacy and the oppression of Indigenous peoples. Indigenous languages are an important part of Indigenous history and culture, and their preservation is an essential part of furthering reconciliation.

## **Policy Problem**

### Insufficient Funding

Revitalizing an Indigenous language in Canada is estimated to cost between \$5-6.7M annually, per language, depending on a number of language- and community-specific factors (Bliss and Creed 2018). According to this estimate, Indigenous language revitalization in Canada is severely underfunded. Budget 2021 allocates \$22B over the next five years to invest in Indigenous communities, with the majority going towards infrastructure. Within that budget, \$2.2B is allocated towards:

- preserving, restoring, and promoting Indigenous languages and culture;
- addressing racism and discrimination against Indigenous peoples in healthcare;

- supporting culturally responsible policing and community safety services in Indigenous communities;
- improving access and addressing discrimination and the overrepresentation of Indigenous peoples in the justice system;
- enhancing support for Indigenous women and LGBTTTQQA+ organizations; and
- government accountability monitoring mechanisms.

Budget 2021 also saw the introduction of the *Plan of Action for Official Languages* with allocated funds to promote French-English bilingualism in Canada and to support Official Language minority communities. \$2.7B over five years was set aside for the sole purpose of promoting and maintaining the Official Languages. It appears that Canada is aware of how costly it is to maintain and promote languages, but it does not appear to be a priority to provide Indigenous communities with remotely comparable resources to take on this feat.

However, federal and provincial/territorial governments sometimes provide funding for Indigenous language revitalization through bilateral agreements with provinces/territories. For example, Canada announced on July 18, 2022, that it will supply NWT with \$17,700,000 over three years through the Canada-Northwest Territories Agreement on Indigenous Languages (NWT 2022). Through this funding, the GNWT is providing funding up to \$1,000 for Indigenous language professionals who wish to advance their knowledge and skills (NWT 2022).

## Non-Monetary Considerations

The approach Canada has taken towards revitalizing Indigenous languages so far has been to provide some funding and support, but ultimately leave the rest up to the communities to deal with and execute. While it is certainly crucial for communities to be the leaders and decision makers for their own language programs, it is not fair or appropriate for Canada to delegate this task entirely to communities without supporting efforts on their own end. Offering funds alone ignores the broader context of Canadian society that hinders revitalization. For example, one might ask, what is the government doing to make Canada a place where people want to learn an Indigenous language? Is speaking one or more of these languages viewed as an asset? Are there opportunities to use these language skills outside of the respective community or Nation to which the language belongs? What steps have been taken to eliminate the stigma and trauma related to speaking Indigenous languages that many Indigenous people still live with today?

Another consideration is the capacity of First Nations and Indigenous communities to take on such large projects on their own. Even if funds were sufficient, it is a long-term, time- and resource-intensive commitment that needs to be balanced with other pressing and important issues that they continue to deal with such as the loss of reserve lands to industry development, climate change, clean drinking water, access to healthcare and mental health supports, and much more.

## **Evaluation Criteria**

In 2017, AFN held a series of engagement sessions across Canada with more than 500 Regional Chiefs, Chiefs, Councillors, Elders, fluent speakers, knowledge keepers, language champions and activists, Indigenous scholars and linguists to gather information on the state of Indigenous

languages and language learning experiences. From these engagement sessions, they wrote a report outlining several goals for Indigenous language legislation with the goal of revitalization. The policy alternatives presented in this capstone are evaluated based on two criteria derived from these goals. They are as follows:

1. **Recognition:** A successful Indigenous Language policy will recognize the value of protecting, promoting, and using Indigenous Languages. This could mean giving Indigenous languages an elevated status, increased funding, or enhanced rights. This criterion also encompasses recognition of past wrongs committed against Indigenous peoples that led to the degradation of these languages.
2. **Access:** A successful Indigenous Language policy will ensure all Indigenous peoples have access to their language, regardless of where they reside. This could also mean taking steps to incorporate Indigenous languages into “mainstream” areas such as the media, entertainment, and everyday services, making them more accessible to Indigenous peoples and the general public.

(AFN 2017, 3)

There are also two additional criteria that are not based on the recommendations in the National Engagement Session Report, which are:

3. **Time:** A successful Indigenous Language policy will be timely, in that the effects will be observed in a matter of years, not decades.
4. **Minority Official Language Considerations:** A successful Indigenous Language policy must be politically feasible. In the Canadian context, Francophones are protective of the Official Language status of French, often leading to political contention. For decades, the

government of Quebec has maintained legislation promoting the use of French within the province. In this tradition, it has recently introduced Bill 96, which is intended to recognize and affirm French as the only Official Language of Quebec. Since it was first adopted in the 1960s, the principle of official bilingualism has been an important component of the Canadian state's response to nationalist/separatist sentiments in Quebec. As such, the current Canadian government will not likely implement legislation that increases this contention and threatens national unity. Essentially, the policy must not be seen to erode protections for the French language. While it is admittedly ironic to be concerned with preserving a colonizer language in this context, acceptance from Francophones and those concerned with the status of French in Canada will ultimately help the proposed policy to move forward with fewer obstacles and less interference.

## **Policy Alternatives**

### Policy Option 1: Status Quo

The first policy alternative is to maintain the status quo. The *Constitution Act* 1982 would remain unchanged, with English and French as the only Official Languages of Canada. The *Official Languages Act* and the *UNDRIP Act* 2021 remain in place, with the opportunity to provide sustainable and predictable funding for language revitalization projects, but with no concrete obligations on the part of the government to take action against Indigenous language degradation.

The implementation of the *UNDRIP Act* 2021 and the *Indigenous Languages Act* 2019 show that Indigenous rights (including language rights) and reconciliation are on the radar of the Canadian government, though this alternative does not increase the recognition of Indigenous languages

from where it is currently. There is also no improvement of access to Indigenous languages in the sense of incorporating them into mainstream environments or offering more services in Indigenous languages. This alternative is already in place, so no additional time is required to develop legislation or implement changes. Lastly, Minority Official Language considerations remain unchanged. It is important to note that the *UNDRIP Act 2021* and the *Indigenous Languages Act 2019* are still relatively new and provide foundations for improvement that could meaningfully improve the state of Indigenous languages in Canada, if implemented correctly. However, if these interventions are not used in an effective or meaningful way in the near future, Indigenous languages will continue to experience dwindling numbers of speakers, and in some cases, will go effectively extinct in the next several years.

#### Policy Option 2: Cree and Inuktitut as National Official Languages

The second policy alternative is to amend the *Constitution Act 1982* to add Cree and Inuktitut, the two Indigenous languages with the largest speaker populations in Canada, as Official Languages, along with English and French. This would ensure that these two languages receive all the same benefits as English and French, including adequate attention and funding, access to services and education in these languages, and an elevated status that could make learning these languages more desirable for a number of reasons. This approach is similar to the one taken by New Zealand with Māori, where the most significant (or, in New Zealand's case, the only) Indigenous language in the country (Keegan 2018).

While this alternative would certainly enhance the recognition of Cree and Inuktitut, it would not do so for the other numerous Indigenous languages spoken in Canada. Where New Zealand had success in making Māori an Official Language on the national level because it only had one



Indigenous language to consider, the situation in Canada poses challenges of equity and equality between Indigenous languages. This would also result in Cree and Inuktitut gaining Official status in regions where they are not historically spoken, while more prominent Indigenous languages in a given region do not. Similarly, in terms of access, it would improve for these select two languages, but not for the other Indigenous languages. This alternative is also not time effective. The near impossibility of amending the Canadian Constitution would result in a lengthy Parliamentary process that would likely not receive the approval of all provincial authorities (de Mestral and Fraiberg 1967, 517). As for Minority Official Language Considerations, this alternative may be met with opposition from Francophones, as it would result in Canada shifting from a bilingual country to a multilingual country, detracting from French as the one of two Official Language and placing it on Cree and Inuktitut, which have significantly fewer speakers than French and would require much more attention and effort.

### Policy Option 3: Regional First Languages

The third policy alternative is to introduce Regional First Languages, funded in part by the federal government and administered on the provincial level. This alternative would not require an amendment to the *Constitution Act* 1982, as provincial governments have the authority to legislate language use in their respective jurisdictions (Hudon 2011, 1). This option would be similar to the situation in the Northwest Territories and Nunavut, where English and French are the federal Official Languages and numerous Indigenous languages have Official Language status on the provincial level but draws on elements from Nova Scotia's *Mi'kmaw Language Act* 2022 in acknowledging that Indigenous languages are distinct from the Official Languages and have been spoken in those regions long before the arrival of Europeans. In this alternative, the

Indigenous Nations and communities whose traditional territories fall within the provincial borders would have their language recognized as a Regional First Language.

This alternative increases the recognition of all Indigenous languages spoken in Canada, awarding them elevated status and increasing rights and access to funding. This alternative would also more accurately reflect the geographic distribution of the Indigenous languages rather than making languages Official on the federal level and allow for a more localized administration that fits within an existing framework, improving access significantly. This alternative being administered by the provinces rather than on the federal level has the added benefit of being more easily integrated into other provincial services such as healthcare, education, and natural resource regulation, creating the potential for employment opportunities for Indigenous peoples in these sectors and introducing Indigenous languages into more mainstream contexts. Similar to the *Mi'kmaw Language Act 2022*, provinces would work collaboratively with Indigenous Nations and communities to develop strategies for language revitalization and the administration of programs and services. As this alternative recognizes Indigenous languages province-wide, it is less exclusive to urban Indigenous populations. As this alternative does not require amendments to the *Constitution Act 1982*, the implementation of this type of legislation could occur in a matter of years, rather than decades, making it a relatively time-effective approach. It would, however, require significant consultation and collaboration with Indigenous Nations and communities to draft, implement, and administer this legislation. In terms of Minority Official Language Considerations, this alternative may be met with concerns and criticisms from Francophones (particularly in Quebec), but since it does not acknowledge Indigenous languages

as Official on the federal level, it preserves national bilingualism in Canada and is therefore less threatening to the status of French.

### **Recommendation**

Policy Option 3: Regional First Languages is the recommended course of action based on the evaluation criteria presented in this capstone. It provides recognition of all Indigenous languages in Canada and acknowledges that Indigenous languages predate English and French on this land. It makes Indigenous languages more accessible and allows for the implementation of programs and services that are relevant and appropriate for a given region. It is a relatively time-effective alternative, though it could take several years to develop and implement. To offset this drawback, it is recommended that resources be provided directly to Nations/communities in the interim to begin building capacity and programs while the policy is in development. Lastly, this alternative preserves English and French as the Official Languages on a national level, which is less likely to be met with major criticism from the Francophone population and makes this alternative more palatable on a political level.

### **Conclusion**

Canada is a country whose foundations in racism and white supremacy have caused immeasurable harm to Indigenous peoples. These ideologies have shaped modern policies (specifically, language policies) that continue to perpetuate this harm and have robbed generations of Indigenous peoples of their languages and cultures.

Strict adherence to the bilingual foundations of the Canadian state leaves little support for Indigenous languages to grow and thrive, as the narrative that Western languages and cultures

are superior to Indigenous ones has persevered through decades of policies and legislation despite numerous efforts to reverse its effects. After decades of genocide, erasure, forced assimilation, and policies actively working against their survival, Indigenous languages have been kept alive through the resilience and perseverance of the Indigenous peoples who speak them. However, with many languages rapidly losing aging speakers, aggressive action must be taken to preserve and protect these languages to prevent them from being lost forever.

To date, Canada's treatment of Indigenous languages has either been to actively suppress them, or at best, to take an overly passive approach to revitalizing them without taking meaningful action. While the shift in attitudes is a sign that progress is moving in the right direction, it is not doing so fast enough. Modern legislation such as the *UNDRIP Act 2021* and the *Indigenous Languages Act 2019* take steps to eliminate explicit language discrimination, they mainly serve as an avenue for Indigenous peoples to hold the government accountable when the terms of this legislation are not being upheld. This approach is too lax and leaves the bulk of the responsibility to Indigenous Nations and communities, who often have limited capacity to take on such a large-scale project when balanced against other pressing issues such as infrastructure, discrimination, mental health challenges, a lack of clean drinking water, and the loss of lands due to industrial development. While it is imperative that Indigenous peoples are in control of their languages and lead revitalization efforts, it is unfair to expect them to take on this challenge without meaningful support, especially when systems are still in place that actively work against their success.

This capstone considers three policy alternatives to help address the policy problem: maintaining the status quo, giving Inuktitut and Cree Official Language status on the national level, and

introducing Regional First Languages on the provincial level. It evaluates these alternatives based on four evaluation criteria: recognition, access, time, and minority Official Language considerations. It concludes that the third policy alternative, Regional First Languages on the provincial level, was the strongest contender and the recommended course of action to address the policy problem. Since it could take years to see this policy alternative take effect, it is also recommended that Canada collaborates with Indigenous Nations and communities and provides them with sufficient support and funding in the interim to build capacity to create and strengthen the necessary programs and initiatives to make this alternative successful.

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